DOCUMENT RESUME

ED 126 771 HE 007 443

TITLE Eastern Washington State College By-Laws.
INSTITUTION Eastern Washington State Coll., Cheney.
PUB DATE 74
NOTE 44p.

EDRS PRICE MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS *Administrative Policy; *College Faculty; Faculty Promotion; Grievance Procedures; *Higher Education; Job Tenure; Leave of Absence; *Personnel Policy; Salaries; *State Colleges; Teacher Responsibility; Teaching Load
IDENTIFIERS Eastern Washington State College; *Faculty Handbooks

ABSTRACT

The 1974 faculty handbook of Eastern Washington State College contains sections of the bylaws for the government of the college pertinent to faculty interests, plus explanatory or informative material concerning operating procedures for faculty members. Discussed is: (1) the board of trustees; (2) administration; (3) academic staff; (4) appointment and employment policies; (5) rights, duties and obligations; (6) salaries, duties, and obligations; (7) salaries, rank, promotion, and tenure; (8) academic freedom and tenure; (9) copyrights and royalties; and (10) faculty grievance procedures and appeals. (KE)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED126771

By-Laws

EASTERN WASHINGTON STATE COLLEGE

HE007443
443

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

EWSC

1974

TABLE OF CONTENTS

100.00.00	**The College**	1
10.00	The Name of the College	1
20.00	Legislative Authority Establishing and Governing the College	1
30.00	History of the College	1
40.00	Accreditation of the College	1
50.00	Policies and Procedures Statements	1
60.00	By Laws	1
65.00	Faculty Handbook	1
66.00	Other Handbooks	1
70.00	Related Policies Statements	1
71.00	State Statutes	1
72.00	Code of Ethics (Appendix I)	1
73.00	Academic Freedom and Tenure, 1940 Statement of Principles (Appendix II)	1
74.00	Joint Statement on Rights and Freedoms of Students (1965)	2
90.00	Organization of the College	2
99.00	Organization Chart	2
200.00.00	**Board of Trustees**	2
10.00	Authorization	2
11.00	Appointment	2
12.00	Removal	2
20.00	Officers	2
30.00	Meetings	2
30.10	Open Meetings	2
30.30	Written Agenda	2
30.31	Agenda Transmittal by the President	2
40.00	Powers and Duties	2
50.00	Relationship to the President	2
60.00	Relationship to College Governance Bodies	2
300.00.00	**Administrative**	3
10.00	Administrative Structure	3
20.00	Administrative Positions	3
20.10	Major Administrative Officers	3
20.20	Academic Administrative Positions	3
20.21	Dean	3
20.22	Coordinator	3
20.23	Director	3
20.24	Department Chairperson	3
20.30	General Administrative Staff	3
30.00	Appointment–Administrative	3
31.00	Original Appointment–Administrative	4
32.00	Notice of Reappointment	4
33.00	Salary-Administrative Appointments	4
33.10	Administrative Salary Plan	4
33.20	Academic Administrative Salaries	4
33.50	Compensation Benefits	4
34.00	Term of Administrative Appointments	4
34.10	Change of Administrative Assignment	5
300.34.20	Termination of Administrative Appointment	5
34.30	Administrative Appointment at Age 65	5
35.00	Academic Rank for Administrators	5
35.10	Rank for Full-Time Academic Administrators	5
35.20	Rank for Administrators with Joint Teaching Assignment	5
35.21	Promotion or Tenure	5
35.30	Retention of Rank	5
35.40	Professor of the College	5
40.00	Vacation and Leave–Administrative	5
41.00	Annual Leave	5
41.10	Accrued Leave Time	5
41.20	Time of Leave	6
41.30	Six-months Policy	6
41.40	Faculty Administrative Leave	6
42.00	Sick Leave	6
43.00	Administrative Professional Leave	6
44.00	Leave of Absence	6
45.00	Holidays	6
50.00	Enrollment of Staff in Courses	6
51.00	Interference with Job Responsibilities	6
51.10	Class Attendance on Own Time	6
51.20	Course Fees	6
60.00	Separation	6
70.00	Retirement	6
310.00.00	**Administration–The President**	6
10.00	Duties and Responsibilities	6
10.10	Authority to Act	6
10.11	Authority in President's Absence	7
10.12	Disciplinary Authority	7
10.20	Personnel Actions	7
10.21	Appointments (Personnel)	7
10.22	Dismissals, Suspensions, Discipline	7
10.23	Salaries, Promotions	7
10.30	Relationship to the Board of Trustees	7
10.40	Relationship to College Governance Bodies	8
10.50	College Committees	8
10.60	Administrative Advisory Group	8
20.00	Selection of the President of the College	8
30.00	Presidential Assistants	8
31.00	Secretary to the President	8
32.00	Assistant to the President	8
35.00	Director of Institutional Research	8
400.00.00	**Academic Staff**	8
10.00	Definitions	8
11.00	Faculty	8
11.10	Teaching and Research Faculty	8
11.11	Campus School Faculty	8
11.12	Professional Librarians	8

Table of Contents (continued)

400.11.13	Professional Instructional Media Specialists	8
11.14	The President, Vice President for Academic Affairs, and Academic Deans	8
12.00	Academic Rank	8
13.00	Academic Professional Staff	9
14.00	Fellows and Teaching Assistants	9
15.00	Student Assistants	9
16.00	Summer Faculty	9
20.00	Good Faith	9
401.00.00	**Appointment and Employment Policies–Academic Rank**	**9**
10.00	Types of Appointments	9
11.00	Full-Time Appointment	9
11.01	Regular Appointment	9
11.11	Probationary Appointment	9
11.12	Tenure Appointment	11
11.20	Term Appointment	11
12.00	Part-Time Appointment	11
12.10	Graduate Fellow, Teaching Assistant, and Undergraduate Assistant Appointments	11
12.20	Academic Faculty and Academic Professional Staff Part-Time Appointments	11
12.30	Adjunct Appointment	11
12.40	College Staff Members	12
12.50	Professor of the College	12
18.00	Faculty Retirement	12
20.00	Original Appointment	12
20.10	Original Appointment Rank	12
20.11	Preparation and Experience	12
20.12	Academic Records	12
20.20	Appointment Salary	13
20.21	Degree Contingency Contracts	13
21.00	Returning Appointees	13
30.00	Letter of Appointment	13
40.00	Termination of Appointment	13
41.00	Termination by Mutual Agreement	13
42.00	Termination by the Individual	13
43.00	Termination by the College	13
43.10	Non-Renewal of Faculty Holding a Probationary Appointment	13
43.11	Notice of Non-Renewal of Appointment	13
43.12	Request for Written Statement–Reasons for Non-Renewal	14
43.20	Termination of Faculty Holding Term Appointment	14
43.30	Termination for Program or Fiscal Needs	14
43.31	Adjustment of Staff to Program Needs	14

Table of Contents (continued)

401.43.32	Fiscal Exigency	15
43.40	Dismissal for Cause	16
50.00	Conflict of Interest	16
60.00	Outside Employment	16
70.00	Research, Scholarship and Service General Policy Statement	16
71.00	Funds for Support of Scholarship and Research Activities	17
71.10	Institutional Allowances	17
71.20	Research, Scholarship and Service Fund (RSS)	17
71.50	Allocation of Resource from Research, Scholarship and Service Fund	17
71.51	Allocation to Departments	17
71.52	Allocation for Student Scholarly Activities	17
71.53	Allocation for Faculty Projects	18
71.60	Nature of the Application and Procedures for Proposals Requesting Support from RSS Fund	18
71.61	Contents of Proposal	18
71.62	Processing Proposal	18
71.63	Review of the Proposal	18
71.64	Guidelines allocating expenditures from the Institutional Fund	18
71.65	Research and Scholarship Committee	18
72.00	Copyrights and Royalties (Appendix III)	31
75.00	Remuneration for Extended Service Related to Grants and Contracts Funded by Outside Agencies	18
75.10	Employee participation in projects funded by outside agencies	18
75.20	Pay Schedule for Employees Participating in Projects Funded by Outside Agencies	18
402.00.00	**Rights, Duties and Obligations**	**19**
00.10	Code of Ethics	19
00.20	Statement on Academic Freedom and Tenure	19
10.00	Rights	19
10.10	Academic Freedom	19
10.20	Participation in Faculty Governance	19
10.21	Written Faculty Recommendations Transmittal to the President	19
10.30	Faculty Appeals and Grievance Procedure–WAC 172.129	34
20.00	Duties and Obligations	19
21.00	Teaching Responsibilities	19
21.10	Office Hours	20
22.00	Committee Service	20
23.00	Reports and Check-Out	20
23.10	Grade Reports	20

402.23.20	Personal Absence	20
23.21	Personal Absence—Approval	20
23.30	Check-Out of Faculty each year	20
30.00	Enrollment of Staff in Course	20
40.00	Teaching Loads	20
40.10	Administrative Duties	20
40.20	Extension Teaching	20
50.00	Leave Policies—Faculty	20
51.00	Sabbatical (Professional) Leave	20
52.00	Sick Leave	22
403.00.00	**Salaries, Rank, Promotion, Tenure**	**23**
00.10	Staff Evaluation	23
00.11	Evaluation (Personnel)—Units	23
00.30	Divisional Personnel Committee	23
10.00	Salaries	23
10.10	Pay Periods and Salary Payment Policies	23
10.11	Summer Salaries	23
10.12	Salary Schedule Procedure	24
10.13	Salary on Return from Leave	24
10.20	Salary Increases	24
20.00	Rank	24
20.10	Qualifications for Rank	24
40.00	Promotion	25
40.10	Promotion Schedule	25
40.20	Criteria for Promotion	25
40.30	Promotion Procedures	25
40.31	Eligibility for Consideration	25
40.32	Unit Review and Ranking	25
40.33	Divisional Personnel Committee	26
40.34	Final Recommendations	26
404.00.00	**Separation**	**26**
10.00	Definitions	26
11.00	Termination	26
12.00	Dismissal	26
30.00	Dismissal Procedures	26
30.10	Adequate Cause for Dismissal	26
30.11	Dismissal Procedure	26
30.12	Action by the Board of Trustees	28
30.13	Suspensions	28
30.14	Terminal Salary or Notice	28
Appendix I	**Code of Ethics**	**29**
Appendix II	**Academic Freedom and Tenure**	
	1940 Statement of Principles	**29**
	Academic Freedom	30
	Academic Tenure	30
	Interpretations	30
Appendix III	**Copyrights and Royalties**	**31**
401.72.00	Copyrights and Royalties	31
72.10	Copyrightable Materials	31

Table of Contents (continued)

Appendix III		
401.72.11	Types of Copyrightable Material	31
72.12	"Originating" Person(s)	31
72.20	Materials Developed for Classroom Use	31
72.21	Royalties and Copyrights	31
72.22	Sale of Materials Published or Duplicated	31
72.30	Materials Developed for Other-than-Classroom Use	32
72.31	Rights, Royalties and Copyrights	32
72.32	Reimburse the College for Developmental and Production Costs	32
72.40	College-Commissioned Material	32
72.41	Copyright	32
72.42	Contract Arrangements	32
72.43	Royalties	32
72.44	Professional Leave or Leave of Absence	32
72.45	Produced Under a Grant	32
72.50	Ownership and Use of Certain Copyrightable Materials	32
72.60	Use of College Facilities to Produce Salable Materials	33
72.61	Commercial Means	33
72.62	Non-College Individuals or Groups	33
Appendix IV	**Faculty Appeals and Grievance Procedure**	**34**
WAC 172-129-010	Purpose	34
WAC 172-129-020	Jurisdiction	34
WAC 172-129-030	Definitions	34
WAC 172-129-031	References to By-Laws	35
WAC 172-129-035	Informal Hearings	35
WAC 172-129-036	Formal Hearings	35
WAC 172-120-037	Statements and Testimony Confidential	35
WAC 172-129-040	Divergent Procedures Established Regarding Grievances and Appeals	35
WAC 172-129-050	Use of Normal Administrative Processes Encouraged	36
WAC 172-129-060	Faculty Appeals Committee: Purpose and Composition	36
WAC 172-129-070	Functions of the Faculty Appeals Committee	36
WAC 172-129-080	Conflict of Interest	36
WAC 172-129-090	General Procedures for Appeals and Grievances	36
WAC 172-129-100	Grievance Procedures	37
WAC 172-129-110	Appeals: Division into categories	37
WAC 172-129-120	Burden of Proof in Appeals	37
WAC 172-129-130	Hearing Procedure for Appeals	37
WAC 172-129-140	Procedure for Appointment of Hearing Examiner	38
WAC 172-129-145	Scope of Authority Conferred upon Hearing Examiner	38
WAC 172-129-150	Costs of Appeals and Grievances	38
WAC 172-129-160	Content of Grievance and Appeal Forms	38

THE COLLEGE

100.00.00 The College

10.00 The Name of the College. By act of the 1961 Washington State Legislature, the College is named Eastern Washington State College as set forth in RCW 28B 10.015.

20.00 Legislative Authority Establishing and Governing the College. The legal authority under which Eastern Washington State College exists and operates is set forth in RCW 28B.10 and RCW 28B.40.

30.00 History of the College. The College was established by law in the early days of statehood as the State Normal School and opened in October, 1890. In 1937 the name of the college was changed to Eastern Washington College of Education. In 1961 the legislature approved the name Eastern Washington State College.

40.00 Accreditation of the College. Eastern Washington State College is accredited by the Northwest Association of Secondary and Higher Schools, the National Council for the Accreditation of Teacher Education, and the Washington State Board of Education. The Northwest Association has approved the qualifications of the faculty, the adequacy of facilities, and competence of the administration for the teaching of the liberal arts and teacher education. The Washington State Board of Education has fully approved Eastern's program of teacher education. The College is also accredited by the Association for Physical and Mental Rehabilitation and the National Association of Schools of Music.

This college is approved by the United States Attorney General as an institution for non-quota immigrant students. It is also on the approved list of the American Association of University Women. The College has institutional membership in various national associations. State laws empower the College to confer the degrees of Bachelor of Arts, Bachelor of Arts in Education, Bachelor of Science, Master of Education, Master of Arts, and Master of Science.

50.00 Policies and Procedures Statement. The policies, rules and regulations governing the operations of the College shall be organized in a single file maintained by the Office of the President, in which all such written statements approved by the Board of Trustees and/or the President shall be kept current and up to date with amendments, revisions and additions. This file shall be open to inspection in the Office of the President by any person. A copy of the comprehensive file may be maintained by the secretary of the Academic Senate, the Associate Student Council, or such all-college governance body as may hereafter be established.

100.50.00 (continued)

60.00 By-Laws. The by-laws for Government of Eastern Washington State College shall be those sections of the *Policies and Procedures Statements* which have been adopted by the Board of Trustees. Adoption of such sections by the Board after July 1, 1970, shall constitute replacement and revocation of the "By-Laws for Government of Eastern Washington College of Education" as adopted September 18, 1954, and all subsequent amendments, revisions, or additions made to those "By-Laws."

65.00 Faculty Handbook. A faculty handbook containing those sections of the By-Laws pertinent to faculty interests, plus explanatory or informative material concerning operating procedures for faculty members, may be published as necessary from time to time to make updated information available.

66.00 Other Handbooks. Such other handbooks for employees or students as may be necessary to provide updated information may be published from time to time. Such publications shall be in accord with the By-Laws in all cases of policy or procedure statements, and may not establish regulations or procedures contrary to the By-Laws.

70.00 Related Policies Statements.

71.00 State Statutes. All sections of the Revised Code of Washington which pertain to the operation of Eastern Washington State College shall have precedence in case of any conflict with policies or procedures statements of the college.

72.00 Code of Ethics. The "Eastern Washington State College Code of Ethics," adopted by the Board of Trustees, June, 1961, and amended by action of the Board July, 1970, and as filed with the State Attorney General's office in compliance with state law, constitutes a specific policy of the College. (See Appendix I).

73.00 Academic Freedom and Tenure, 1940 Statement of Principles, has been adopted as a basic guideline for College policies by action of the Board of Trustees. (See Appendix II).

100.74.00 **The Joint Statement on Rights and Freedoms of Students (1965)** has been adopted as a basic guideline for College policies by action of the Board of Trustees.

90.00 **Organization of the College.** The organization of the College for its operations will be established by the President with the approval of the Board of Trustees. (cf. RCW 28B.40.120 sec. [4]). (See 300.10.00).

99.00 **Organization Chart.** This chart is revised periodically to reflect changes made in the organization, and is available in the Office of the President.

BOARD OF TRUSTEES

200.00.00 **Board of Trustees.** All legal powers, authority, and responsibility for the operation of Eastern Washington State College rest in the Board of Trustees.

10.00 **Authorization.** The Board of Trustees is authorized and operates under the provisions of RCW 28B.10 and 28B.40. The powers and duties of the Board of Trustees shall be as prescribed by statute and such other powers and duties as are provided for herein or as are necessary for the government of the College.

11.00 **Appointment.** The Board is composed of five members appointed by the Governor of the State of Washington for six-year terms, with the consent of the Senate (RCW 28B.40.100). Each member is required to subscribe to an oath of office (RCW 28B.10.520).

12.00 **Removal.** No member of the Board shall be removed during the term of office for which appointed, excepting only for misconduct or malfeasance in office (RCW 28B.10.500).

20.00 **Officers.** The Board shall elect a chairperson and a vice chairperson each year at the September meeting. The chairperson shall call meetings and preside. In his absence the vice chairperson shall preside. The Secretary, who may or may not be a member of the Board, shall be elected by the Board.

30.00 **Meetings.** The Board shall hold at least two meetings each calendar year, and may establish a schedule of regular meetings. Special meetings may be called at any time on or off campus by the Chairperson or by any three members. by giving notice of such meeting to all members. Any matters relating to the administration of the College may be considered at any meeting, whether special or regular, and three members shall constitute a quorum. One or more of the meetings of the Board shall be held at the College annually. (RCW 28B.40.110)

200.30.00 (continued)

30.10 All regular meetings, all special meetings, and all study sessions with a quorum of the Board of Trustees present excepting those portions specifically declared "executive sessions" as allowed by law shall be open to the public.

30.30 A written agenda with supporting material shall be made available to the members of the Board approximately one week in advance of announced meetings and except by action of the Board, matters not included in that agenda or written supplements made available prior to the meeting, will not be acted upon in that meeting.

30.31 All matters placed upon the written agenda shall be transmitted to the Secretary of the Board by the President of the College. The President shall transmit for the agenda all items specifically requested by the President of the Faculty Organization. (See 402.10.21).

40.00 **Powers and Duties.** The eleven itemized general powers and duties listed under RCW 28B. 40.120 shall be carried out by the Board in addition to any other powers and duties prescribed by law.

50.00 **Relationship to the President of the College.** (See 310.10.30).

60.00 **Relationship to College Governance Bodies.** All substantive recommendations of College governance bodies are subject to approval by the President of the College, who will transmit them to the Board for review or action as he deems appropriate; provided that the elected head of the Faculty Organization may convey to the President written recommendations of the Faculty Organization which shall be presented to the Board of Trustees (see 310.10. 40 and 402.10.21). The Board of Trustees may delegate to College governance bodies certain appropriate operating responsibilities, provided that such delegation shall in no way set aside the authority or final responsibility of the President of the College, nor the policies or authority of the Board of Trustees itself. All such delegated responsibility may be revoked by the Board of Trustees by action in regular meeting.

ADMINISTRATIVE

300.00.00 Administrative.

10.00 Administrative Structure. The administrative structure of the College will be established by the President with the approval of the Board of Trustees, and said plan shall be made known to the faculty, showing the overall plan and functional relationship of the various administrative offices (see *100.90.00—Organization of the College).*

20.00 Administrative Positions. Administrative positions are designated by title appropriate to the assigned administrative duties as set forth in a specific job description.

20.10 Major Administrative Officers. The major administrative officers of the College shall be designated by the President, subject to approval by the Board of Trustees. Personnel recommendations for these positions will be the responsibility of the President, after consultation and review of candidates with appropriate administrative officers, faculty, and students. The major administrative officers and the Assistant to the President and others designated by the president from time to time will comprise the President's Administrative Advisory Group. (See 310.10.60).

20.20 Academic Administrative Positions. Personnel recommendations for academic administrative positions will be the responsibility of the Vice President for Academic Affairs, after consultation and review of candidates with other academic administrators, faculty, and students, as appropriate for the position. The following general categories of titles shall be used:

20.21 Dean. An academic officer responsible for the management, development, or operation of a major unit or program of the College and who reports directly to the Vice President for Academic Affairs. The academic deans are of two sorts:

a. Deans of All-College Offices: Dean of Undergraduate Studies, Dean of Graduate Studies, Dean of Continuing Education.

b. Deans of Academic Units: Deans of Divisions, Deans of Colleges, Deans of Schools.

20.22 Coordinator. An individual who is primarily concerned with program coordination and development. Generally he does not have responsibility for personnel and budget other than for his own office. His responsibilities cross departmental lines and in some instances divisional lines. In general, coordinators will be at a higher level than directors in areas of mutual program interest, and in special instances will have the prefix "Executive" added to emphasize relative position and additional duties.

300.20.22 (continued)

20.23 Director. An individual dealing with a self-contained program and responsible for its day-to-day operation. He may deal with such matters as personnel assignments, budget, administration, etc. Normally such a position is on a level with and has duties comparable with a department chairperson. The term Director may also be used to identify administrators of units not accorded departmental status.

20.24 Department Chairperson. A department chairperson is responsible for representation of his department in administrative matters and for the managment of all departmental activities, including curriculum, class schedules, assignment of teaching duties, budget and fiscal management, student advising, personnel recommendations, textbook and library ordering, equipment, and such other matters as may pertain to the department's functions. His administrative line of operation is through the unit dean, but he will work directly with other deans, coordinators, directors and chairpersons when it is appropriate for him to do so.

20.30 General Administrative Staff. Other administrative positions (than 300.20.10-29) will be those specifically exempted from Civil Service or those which are not subject to Civil Service. The line or staff relationship of each position to the college organization shall be clearly set forth in the job description.

30.00 Appointment—Administrative. Personnel recommendations for administrative appointments will be the responsibility of the head of the office or activity involved unless other specific procedures are established for the position. A detailed job description setting forth the duties and expected preparation and experience will provide the basis for consideration of all candidates. The Board of Trustees has the sole power to appoint, and recommendations do not become final until there is formal Board action.

300.31.00 **Original Appointment—Administrative.** Original appointment to an administrative assignment or position shall be by a Letter of Appointment, which shall set forth the terms of appointment, including reference to the duties and responsibilities of the position, the salary with reference to the salary base, and any specific conditions relating to the term of the appointment.

32.00 **Notice of Reappointment.** Notice of reappointment or reassignment to administrative positions will be made a part of the annual contract letter whenever possible, but may be deferred to May 1 when circumstances warrant. Contract letters for full-time administrative appointments will be issued prior to May 1, with an acceptance period of fifteen days provided. (See 300.34.10)

33.00 **Salary—Administrative Appointments.** The salary base for each category or position shall be established in relation to the duties and schedule of responsibilities of the position. Individual salaries for full-time administrative positions will be recommended each year by the appropriate chief administrative officer.

33.10 **Administrative Salary Plan.** An administrative salary plan was adopted by the Board of Trustees in January, 1973, providing for flexible guidelines in the setting of administrative salaries and in the determination of administrative salary increases. The basic concept of the plan provides specified increments in the first three years of employment, and wide flexibility to the College after that point is reached. Special merit can be recognized at any time.

This pay plan covers full-time administrative exempt positions of the College, excluding the President. Positions or titles may be added or deleted at the discretion of the President. Librarians and Residence Hall Directors are covered by separate pay plans. Academic administrative assignments within departments or program units are not subject to the Administrative Salary Plan.

33.20 **Academic Administrative Salaries.** Salaries for academic administrative assignments will be generally related to the individual's academic-year salary, and shall not be less than that base salary when the appointment is for the academic year only. When appointment is for a

300.33.20 (continued) period longer than the academic year because of an administrative assignment, the nature and extent of the individual's total responsibilities will be taken into account in setting the total salary, which may be greater or less than a straight *pro-rata* extension of the person's base academic-year salary rate. When an individual has established a base salary in the faculty salary schedule, the normal continuation of that base shall be noted in his annual contract, and if he returns to full-time teaching duties his base academic year salary shall be no less than that continuation figure. If the appointee teaches approximately half-time or more during the academic year, his evaluation for salary purposes will be initiated by the regular faculty procedures; if he is employed for 11 months or more and teaches less than half-time, his evaluation will be by the same procedures as for other full-time administrators.

33.50 **Compensation Benefits.** Persons on administrative appointment are entitled to participate in insurance and retirement plans as provided by the College, subject to contract or statutory provisions.

34.00 **Term of Administrative Appointments.** The regular appointment year for all administrative assignments or positions shall begin September 1 of each year. Such appointments may be for a specified period of time or on a continuing basis, but are subject to review annually. Faculty tenure shall not inhere in any particular administrative assignment or appointment, but a person who has attained tenure as a teacher will retain it permanently, regardless of subsequent assignments to administrative duties. Full-time administrators with academic rank, appointed from outside the College, are not eligible for faculty tenure, except that such persons regularly teaching courses throughout the academic year may be recommended for tenure as teachers by the concerned department or departments. (See 300.35.00). Persons in full-time administrative positions in the Academic Professional Staff (See 400.13.00) and the General Administrative Staff (See 300.20.30) after appointment to the fifth continuous year of full-time service, will be considered to be on continuing contract with the College. Departmental

300.34.00 (continued)

approval shall be obtained prior to the assignment to full-time teaching of persons who do not hold tenure in an academic appointment.

34.10 **Change of Administrative Assignment.** Ordinarily, discussion or notice of change in a person's administrative assignment will be initiated by May 1 preceeding the administrative appointment year, although by mutual agreement with the person such reassignment may be made at any time. A person holding tenure in an academic appointment who intends to request release from administrative assignment to assume full-time teaching duties on this faculty should do so in ample time to allow the College time to arrange for a replacement and to grant any vacation he has earned prior to the termination of his administrative term. Departments will be be consulted prior to the assignment to full-time teaching of persons who do not hold tenure in an academic appointment.

34.20 **Termination of Administrative Appointment.** Full-time administrative appointments may be terminated by the College at the end of the administrative year by notice given prior to May 1 of that year. In all cases of termination of full-time administrative appointment, the individual shall be notified in writing of the reasons for non-renewal; and after an individual's appointment to his fifth continuous year of service to the College, non-renewal must be based upon stated reasons of ineffective service, insubordination, criminal conviction, or discontinuation or change of the program in which his administrative position inheres.

34.30 **Administrative Appointment at Age 65.** Administrative appointments—including Major Administrative Officers, Academic Administrative Positions, and full-time General Administrative Staff—will not normally be made or renewed beyond the calendar year in which the person reaches age 65. This appointment policy for administrative positions shall not affect the established retirement age set for faculty or civil service appointments.

35.00 **Academic Rank for Administrators.**

35.10 **Rank for Full-Time Academic Administrators.** Academic departmental rank may, with approval of the department, be assigned to a full-time academic administrator in accord with his preparation and experience.

300.35.20 **Rank for Administrators with Joint Teaching Assignment.** Administrators with joint teaching appointments shall also be considered as part-time faculty members and shall hold faculty rank, in addition to their administrative titles. Departments engaging the services of an administrator for the first time shall determine this person's original rank on the basis of his previous teaching experience, academic preparation, and the nature of his teaching assignment.

35.21 **Promotion or tenure.** Recommendations for tenure or promotion of an academic administrator with joint teaching assignment shall be initiated by either the department or administrative superiors, but in all cases, the department must make a recommendation based upon the individual's teaching and scholarship.

35.30 **Retention of Rank.** Departmentally recommended rank once attained will not be retracted, but rank originally attained *ex officio* (300.35.10) will be subject to review by the department(s) concerned when the person leaves the administrative position with which the rank was associated to engage in full-time teaching.

35.40 **Professor of the College.** (See 401.12.50)

40.00 **Vacation and Leave—Administrative.**

41.00 **Annual Leave.** Administrative and academic personnel who are employed full-time on a twelve-month basis because of an administrative assignment receive twenty-two days of paid leave during the year. Leave time will be earned in each contract year at the rate of 1-5/6 days per month. Administrative appointments for terms of other than twelve months will have the number of days of annual leave specified as part of the appointment. Time off taken during interim periods or on any other College working day is charged against the total amount of leave. Administrative officers are urged to plan vacation periods of substantial duration as part of their annual leave each year. Annual leave provisions for positions subject to Civil Service regulations will follow rulings of the Higher Education Personnel Board.

41.10 **Accrued leave time.** Accrued unused leave time from any administrative contract year may be carried over to the following year, but the total paid leave time in any contract year or contiguous parts of succeeding years shall not exceed thirty working days. Payment of salary in lieu of accrued

300.41.10 (continued)

vacation time may be made only as a part of termination of regular employment by the College and may not exceed thirty days. A person with academic rank who leaves an administrative appointment and continues as a regular faculty member is not eligible for salary payments for administrative leave time beyond the period of his administrative contract, and unused leave time will lapse.

41.20 **Time of leave.** Arrangements for the time of vacation leave must be made in advance with the individual's administrative supervisor and shall take into account the adequate fulfillment of specified job responsibilities.

41.30 Individuals under non-academic classification will ordinarily not be given vacation leave until after six months of employment by the College.

41.40 **Faculty administrative leave.** Administrative assignments other than those noted in 300.41.00 do not carry specified days of annual leave.

42.00 **Sick Leave.** Absence due to illness certified by a physician to be fully incapacitating will carry full salary continuation for a total of six months within any twelve-month period. All absences for illness shall be recorded by the immediate administrative supervisor.

43.00 **Administrative Professional Leave.** Full-time administrative officers may apply for professional leave, after six years of full-time service to the College, for purposes of research and study related to professional goals. Granting of such leaves will be subject to budget and program requirements, and adequate arrangements for replacement. Two-thirds salary will be paid during the period of such leaves, which will ordinarily be no more than one academic year or two quarters and the summer. Annual leave will not accrue during professional leave. Residence during the professional leave must ordinarily be away from the Cheney area.

44.00 **Leave of Absence.** Leave of absence without pay for a period of no more than one year may be arranged, subject to adequate arrangements for replacements during the period of leave.

45.00 **Holidays.** Employees of the College are granted the following holidays: 1. New Year's Day, 2. Washington's Birthday, 3. Memorial Day, 4. Independence Day, 5. Labor Day, 6. Veteran's Day,

300.45.00 (continued) 7. Thanksgiving Day, 8. Christmas Day, plus three others to be designated by the Board of Trustees. For other holidays, no substitutions are made for those falling on Saturday, but when a holiday falls upon a Sunday, the following Monday shall be given. It shall be understood that major administrative personnel and heads of College offices and services shall so regulate their schedules so they may carry out full responsibilities for their administrative assignments.

50.00 **Enrollment of Staff in Courses** (See Section 402.30.00).

51.00 Enrollment in courses shall not interfere with the individual's scheduled class hours or job responsibilities.

51.10 Except when a staff member is directed by the College to take course work as a specific part of his job responsibility, class attendance must be on his own time. On the basis of academic program requirements only, an individual may request his supervisor for a regular compensatory time arrangement in his work schedule to take a needed course, provided no overtime or shift differential pay is involved.

51.20 A full-time administrative staff member may enroll in no more than one course per quarter; civil service employees may enroll in no more than six quarter hours per quarter.

51.30 Course fees may not be waived for employees of the College.

60.00 **Separation.** (See Section 300.34.20; provisions in Section 404 refer to teaching faculty appointments only.)

70.00 **Retirement.** Retirement policies are available in the President's Office or in the Vice Presidents' Offices.

ADMINISTRATION

310.00.00 The President

10.00 **Duties and Responsibilities.** The President of the College shall be the principal administrative officer of the College and have general supervision of all operations and programs of the institution. He shall carry out the rules and regulations established by the Board of Trustees and such other duties as set forth in RCW 28B. The organization of the

310.10.00 (continued) College for its operations will be established by the President with the approval of the Board of Trustees (100.90.00).

10.10 **Authority to Act.** The President shall have authority to act on behalf of the College in all matters except those specifically requiring direct action by the Board of Trustees. By approval by the Board of Trustees, delegation of action for the College may be extended to other administrative officers, as is appropriate for stated actions.

10.11 **Authority in President's Absence.** When the President is not available to act for the College within the time constraints of an administrative situation, authority to act in his stead is delegated by the Board in the following order: Vice President for Academic Affairs, Vice President for Business and Management, Vice President for Student Services. The normal processes of conferring about matters of College administrative action will be followed by those present on campus. (Ref: Board of Trustees minutes 7/21/70).

10.12 **Disciplinary Authority.** Disciplinary actions of the College will be implemented by the President of the College, except as such implementation may be delegated by the President or the Board of Trustees. Ordinarily the disciplinary authority of the College will be invoked only after completion of the procedures established for the review of disciplinary cases and after the employee or student, if he so wishes, has availed himself of the appeal procedures. However, in emergency situations if the safety of one or more individuals is imperiled, property is endangered, or the College's ability to function is in question, the President or his authorized representative may summarily suspend for stated cause an employee or the enrollment of any student. In all such cases the individual is entitled to a hearing before the appropriate group or official as specified under discipline procedures as soon as such a hearing can be held, but not to exceed ten days after the date of summary suspension. During the period of interim suspension, the individual shall not enter or remain on the campus or other property owned or controlled by the College.

10.20 **Personnel Actions.**

310.10.21 **Appointments.** The President shall be responsible for the employing of all personnel of the institution, subject to the approval of the Board of Trustees. He may delegate to other administrative officers of the College the recommendation for appointments and employment conditions.

10.22 **Dismissals, Suspensions, Discipline.** The President shall be vested with all powers accorded the "appointing authority" under the terms of regulations lawfully promulgated by the State Higher Education Personnel Board. The President shall have final administrative jurisdiction in all institutional proceedings regarding the dismissal, suspension, or discipline of any employee, and shall be apprised at the inception of any procedure to terminate continuing employment of an individual, under any proceedings other than those allowed under regular contract provisions or the normal selection processes provided by College regulations.

By action of the Board of Trustees, the following college officers are designated as having the power of "appointing authority" under the regulations of the State Higher Education Personnel Board, within their specific areas of administrative jurisdiction: the President; the Vice President for Academic Affairs; the Vice President for Business and Management; the Vice President for Student Services; the Dean, College of Letters and Sciences; the Dean, Division of General and Special Studies; the Dean, School of Fine Arts; the Dean, School of Human Learning and Development; the Dean, Division of Health Sciences; the Dean, School of Business and Administration; the Dean of Graduate Studies; the Dean of Undergraduate Studies; the Dean of Continuing Education and the College Librarian.

10.23 **Salaries, Promotions.** The President shall recommend to the Board of Trustees all salary and promotion actions, either by general class provisions or individual recommendations where necessary.

10.30 **Relationship to the Board of Trustees.** The President of the College is directly responsible to the Board of Trustees. He shall be entitled to be present at

310.10.30 (continued) all called meetings of the Board, and shall present the prepared agenda for such meetings in conjunction with the Secretary of the Board; provided that the Board may, with his knowledge, hold executive sessions to discuss matters without his presence, the substance of which will be transmitted to him without delay. The essence of the relationship between the Board and President must be full mutual confidence and completely open communication.

10.40 **Relationship to College Governance Bodies.** All substantive recommendations of College governance bodies are subject to approval by the President of the College (Ref: RCW 28.81.050 and RCW 28.81.110). (See 402.10.21).

10.50 **College Committees.** The President may establish standing or *ad hoc* college committees as are deemed necessary for the administration of the College and shall name the personnel of such committees and prescribe their fields of responsibility.

10.60 **Administrative Advisory Group.** (See 300.20.10) The President's Administrative Advisory Group (AAG) is regularly comprised of the three college Vice Presidents, the Assistant to the President (also Secretary of the Board of Trustees), the Director of College Relations, the President of the Faculty Organization (also Chairperson of the Academic Senate), and the President of the Associated Students of EWSC. Others may be invited from time to time for discussion of specific topics. The regular membership is based upon providing line communication with all operating units of the College.

The AAG does not take formal votes on matters discussed, and does not make formal decisions. Its purposes are to provide the President with an advisory analysis of institutional activities and problems, to serve as a kind of steering committee in assigning responsibility for investigation, action or decision by appropriate individuals, and to initiate intercommunication among the various units and agencies of the College.

20.00 **Selection of the President of the College.** When it becomes necessary to name a new president, it is the responsibility of the Board of Trustees to establish criteria, organize and supervise the selection process, and name the appointee, subject to state statutes. The Board shall in this procedure consult with representatives of the faculty and student body, and involve them substantially in the interview and evaluation of candidates who are given serious consideration, but the final selection shall be solely the responsibility of the Board.

30.00 **Presidential Assistants.**

31.00 Secretary to the President (see RCW 28.75.040).

32.00 Assistant to the President.

35.00 Director of Institutional Research.

ACADEMIC

400.00.00 Academic Staff

10.00 **Definitions.**

11.00 **Faculty.** Faculty status shall inhere to all whose primary responsibilities and assignments relate to academic instruction. Faculty members may also perform other duties such as administration, counseling and research. Faculty status shall include the following categories:

11.10 Teaching and research faculty.

11.11 Campus School faculty.

11.12 Professional Librarians. The Professional Library staff shall have faculty status and equivalent rank (Librarian I, II, III, IV) but contract appointments may differ from those of other College faculty in length of appointment (12 month/year), salary and vacation periods in accordance with the needs of the College and the normal practices of the profession.

11.13 Professional Instructional Media Specialists.

11.14 The President, Vice President for Academic Affairs, and Academic Deans. Other persons or positions may be accorded faculty status, upon approval of the Academic Senate.

12.00 **Academic Rank.** Academic rank constitutes a form of contract appointment which is to be regarded as separate from faculty status as set forth in 400.11.00 above.

400.13.00 **Academic Professional Staff.** The Academic Professional Staff shall generally include those whose positions and duties (1) require special professional preparation as measured by academic qualifications and experience, and (2) involve the individual in instructional, counseling, or research relationships to students or academic faculty members, but do not assign the person to regular academic instruction. The salary scale and work schedule for each category of the Academic Professional Staff will be established in accord with prevailing standards for the type of service involved. Procedures for retention and advancement will be as established by the type of contract of appointment.

14.00 **Fellows and Teaching Assistants.** Graduate Fellows and Graduate Teaching Assistants must be eligible for admission to the Graduate Program, and ordinarily should be enrolled as full-time graduate students. They will be given specific term appointments which shall not apply to attainment of tenure or continuing contract. They are not members of the faculty as defined in 400.11.00.

15.00 **Student Assistants.** "Student Assistants," "laboratory assistants," "research assistants" or any other student appointees to teaching or research positions shall not be members of the faculty. Such appointees may not be assigned to sole responsibility for a course or credit-granting activity, or for assigning student grades.

16.00 **Summer Faculty.** Summer faculty shall be those persons whose contract year does not include the summer session and are appointed for summer session.

20.00 **Good Faith.** Every contract or duty executed under the provisions of these By-Laws imposes an obligation of good faith in its performance or enforcement.

ACADEMIC APPOINTMENT AND EMPLOYMENT POLICIES
ACADEMIC RANK

401.00.00 **Appointment and Employment Policies—Academic Rank.** All faculty appointments and reappointments are made by the Board of Trustees and are not effective until the Board has taken formal action.

10.00 **Types of Appointments.** Appointments with academic rank shall be designated under one of the following categories in the Letter of Appointment:

11.00 **Full-Time Appointment.** Appointment to a full-time position presupposes that the staff member will fully meet the professional responsibilities of his college assignment and that work essentially related to those responsibilities will receive his primary attention and energies. Remunerative employment not connected with the College must be in accordance with the provisions of Section 401.60.00.

A normal full-time contract-year may be for any of three terms from among the Fall, Winter, Spring quarters or for two such quarters and a contiguous Summer Session assignment equivalent to a quarter in load and salary. Faculty may be assigned to a summer term as part of their normal contract year only if it is their preference and with the approval of the department and the dean or if a fiscal exigency exists (cf. 401.43.42).

11.10 **Regular Appointment.**

11.11 **Probationary Appointment.** Subject to the provisions of section 401.43.10, the probationary period for faculty appointed after May 1, 1974, including faculty with prior college teaching experience, shall normally be six years. (Faculty initially appointed prior to May 1, 1974, shall, in respect to probationary appointment, continue under the By-Law provisions in effect as of January 1, 1974, unless they elect in writing to be covered by the new provisions.) No combination of full-time term or probationary appointments may exceed seven years without tenure being granted except as provided for in Section 401.11.20 relative to externally funded programs.

401.11.11 (continued)

Full-time faculty on probationary status will be evaluated by the department chairperson and by the departmental and/or unit personnel committee to determine reappointment annually during the first three years of full-time service and provided with notice relative thereto in accord with Section 401.43.11. Such evaluations will be based upon evidence provided by student evaluations and appropriate individuals and committees. These evaluations shall be the basis for recommendations respecting reappointment, and shall be transmitted to the unit Dean for his review and recommendation to the VPAA.

All evaluations and recommendations shall be confidential to the members of the personnel committee(s) and administrators involved in the evaluation until all such material has been reviewed by the unit Dean. When a faculty member is reappointed (following evaluation for retention) in the first three years, the department chairperson shall prepare a summary of evaluations which shall be reviewed by the unit Dean. The chairperson shall then provide a copy of this summary to the faculty member and discuss it with him. The original will be signed by the faculty member and retained in his personnel file in the office of the unit Dean. The file shall contain all formal evaluations and recommendations, along with data used in the evaluations. The faculty member shall have the right to examine the file.

When a faculty member is not retained, the Vice President for Academic Affairs shall, upon request of the faculty member, provide a written statement of reasons for the decision (see Section 401.43.12). All written material relating to the decision, including information used in the course of the evaluation, department

401.11.11 (continued)

chairperson and committee evaluations, and all recommendations shall be retained in the faculty member's personnel file and such file will be available to the faculty member for examination. The faculty member shall have the right to appeal this decision (see WAC 172-129: Appendix IV).

A person on probationary appointment shall in the spring of his third year at Eastern be subject to a cumulative evaluation by the personnel committee of the department and/or unit (including appropriate participation by students in furnishing evidence used), and by the department chairperson independently, each of which shall forward a recommendation to the unit Dean as to whether the faculty member should be:

1. Continued on probationary status for a three-year period on a three-year contract.
2. Continued on a term appointment.
3. Given a one-year terminal contract, notice thereof to be given by June 1 of the year preceding the terminal contract year.

The unit Dean will review the recommendations and forward them along with his own recommendation to the VPAA for his recommendation to the President for action recommendation to the Board of Trustees.

Faculty continued on a probationary status following the third-year evaluation will be provided a statement of performance expectations against which they shall be evaluated when considered for tenure. This statement of performance expectations will be provided by the department chairperson after consultation with the faculty member. Evaluation shall take place in the spring of the last year of the six-year probationary period. This evaluation will result in either (a) granting tenure, or (b) a one-year terminal appointment contract for the following year.

401.11.12 **Tenure Appointment.** Appointment to tenure may be granted to a regular full-time staff member who serves at least half time as a teacher or as a professional librarian, following a probationary period and based upon an explicit tenure evaluation. Tenure as used herein is defined as the right, contingent upon competent professional service, of an individual to be continued in his faculty appointment at a comparable academic rank and salary, subject to these By-Laws. After the letter of appointment to tenure status, further annual contract letters will constitute notice of assignment, salary and rank for the next year.

11.20 **Term Appointment.** Term appointment shall be only for the period stated, and notice of non-renewal or termination shall not be required at any time. An individual may receive more than one full-time term appointment, but may not be given more than three successive and continuous full-time academic year term appointments; except that if a term appointment is to a position which is dependent upon an externally-funded project or program the successive term appointments may coincide with the duration of that project or program. (Persons holding a full-time term appointment on May 1, 1974, may be considered for additional term appointments up to the previous limit of four consecutive or six total term appointments, but if such person is at any time given a probationary appointment, the probationary period shall not be less than one full year prior to the review for tenure status because of such prior term appointments counted.) Part-time term appointments or term appointments for less than a full academic year shall not be counted for tenure consideration. If a person who has been on full-time term appointment is given a probationary appointment, his years of full service on term appointment shall count on the total probationary period. Individuals who are placed on a probationary appointment following term

401.11.20 (continued) appointment(s) will be given a contract as follows: (a) after one or two years of term appointment, an annual probationary appointment, (b) after three years of term appointment a three-year probationary appointment under the conditions specified in 401.11.11.

Specific examples of term appointments include (but are not limited to):

1. **"Visiting".** A person employed for a specified term to fill in for a faculty member on leave, or to fill a position temporarily, shall be designated "visiting" with the appropriate title.
2. **"Lecturer".** The rank of "lecturer" may be used to employ a person of unusual abilities whose formal qualifications may not relate to the current salary schedule and hiring-in policies. If a person so classified is later considered for permanent employment, he or she must be considered in relation to the full criteria established for the contemplated rank.

12.00 **Part-Time Appointments.** A part-time faculty appointment is one which clearly limits the contract teaching duties of the individual with the College to less than normal full-time teaching assignment for the contract period. Such part-time appointments shall not be in any way applicable to the computation of time of employment for tenure purposes. Except for OASI, fringe benefit programs do not apply to part-time appointments.

12.10 Graduate Fellow, Teaching Assistant, and Undergraduate Assistant appointments are part-time appointments.

12.20 Academic Faculty and Academic Professional Staff part-time appointments shall be so designated with the appropriate title or rank, and shall not be made for a period longer than one year at a time.

12.30 **Adjunct Appointment.** Specially qualified individuals who agree to assist with instructional or research programs with nominal or no stipend, may be appointed as "Adjunct" staff members with academic rank, subject to specific original approval by the Vice President for Academic Affairs.

401.12.30 (continued)

Such appointments are not intended to replace regular part-time teaching appointments, but rather to give formal recognition to professional persons from other fields who are directly contributing to the academic program. Such appointments may be renewed annually, but should not extend beyond the period of active involvement, and and should not be merely "honorary" in use.

12.40 College staff members whose basic employment is in conjunction with a program or activity of the College other than that normally carrying academic rank, may be designated as part-time faculty during the time when part-time teaching is assigned to the individual. In such cases the part-time faculty designation shall not in any way promise full faculty status nor count as time toward tenure as a faculty member.

12.50 **Professor of the College.** The Board of Trustees may designate as "Professor of the College" an individual who holds the academic rank of Professor and who wishes to relinquish full-time teaching or administrative responsibilities after a period of outstanding service and to assume reduced duties. The Board will annually establish the salary of such a person in accordance with his assigned duties.

18.00 **Faculty Recruitment.** Faculty recruitment is primarily the responsibility of the departments involved. Although the department chairperson or his designee will coordinate activities, department members or a committee representing them, and the unit Dean, shall be involved in the review of credentials and interview with candidates. An offer may be made only after departmental faculty and other appropriate parties have been consulted and a written approval by the department submitted to the VPAA.

The standards and criteria for the authorized position must be stated and made fully available. Faculty recruitment shall be subject to the provisions of the College's

401.18.00 (continued) Affirmative Action programs, as adopted from time to time by the Board of Trustees.

Only the President, or the Vice President for Academic Affairs or his specifically-appointed delegate is authorized to make an offer of appointment on behalf of the College, and only those terms of employment which are made in writing to the appointee shall be binding upon the College.

20.00 **Original Appointment.** Original appointment to the Academic Staff shall be made by means of a Letter of Appointment which becomes effective when a copy is returned with the appointee's signature. The letter shall set forth the terms of employment, including by reference or definition the duties and responsibilities of the position, the type and term of employment, the salary, and the specific period of probationary status, if any. The initial rank and salary agreements accepted by the candidate will be deemed to represent the understood conditions at the time of employment and shall not be subject to subsequent review for purposes of later adjustments.

20.10 **Original Appointment Rank.** As a general policy, new appointments will be made at the rank of instructor or assistant professor. A new appointment can be made at the rank of associate professor if the candidate meets the paper qualifications for the rank and the application has the support of the department members. Original appointment of candidates who do not meet the paper qualifications at the rank of associate professor, and all original appointments at the rank of full professor may be approved (upon recommendation of the Faculty Affairs Council) only when the candidates possess outstanding qualifications which are essential for carrying out an effective program.

20.11 **Preparation and Experience.** The academic preparation and experience standards for initial regular appointment shall correspond to the normal qualifications for each academic rank. Appropriate additional experience or graduate credits may be used in determining the rank assigned. (See 403.20.10).

20.12 **Academic Records.** Candidates and appointees will be responsible for

401.20.12 (continued)

having official transcripts of all their undergraduate and graduate credits sent from the institution(s) at which the work was taken. Such records may not later be released to the individual or to other institutions.

20.20 **Appointment Salary.** The base salary for original regular appointment shall be specifically agreed upon with the candidate and stated in the Letter of Appointment. This figure will reflect consideration of the candidate's combined qualifications of preparation, experience and related accomplishments. Ordinarily the initial salary will be in the lower levels of the salary range for the rank assigned. Every attempt will be made to maintain the relative salary advantage of persons already serving the college, given equivalent qualifications.

20.21 **Degree Contingency Contracts.** Persons who do expect to receive the doctor's (or master's) degree prior to or during the academic year of initial employment may be issued a contract carrying a base salary appropriate without the degree, with the provision for a higher base salary rate reflecting the degree, which will become effective in the month following receipt by the College of an official statement that the degree has been completed. Such contingency contracts will be written for the first year of employment only, and any subsequent appointments will be with the appropriate base salary. It will be the policy of the College to review the conditions of the existing contract of a staff member on regular appointment whenever he completes the requirements for terminal degree preparation.

21.00 **Returning Appointees.** A faculty member who has voluntarily terminated his appointment at EWSC shall be regarded as a new appointee if he returns in any form of appointment.

30.00 **Letter of Appointment.** Upon reappointment or continuation of appointment of a faculty member, a letter of appointment will be issued each year, setting forth the essential terms of the individual's employment, including a statement of rank, salary, teaching assignment as to quarters of

401.30.00 (continued) service, and any administrative assignment. Two copies of the Letter of Appointment shall be presented to the appointee on or before April 1 preceding the contract year, except that when budget determinations delay salary information, the Letter of Appointment will be deferred until salary information is available. One copy of the Letter of Appointment signed by the appointee shall be returned to the office of the Vice President for Academic Affairs within fifteen (15) days of its receipt to indicate the appointee's acceptance of the conditions of appointment.

40.00 **Termination of Appointment.** Appointment may be terminated in accord with the following standards:

41.00 **Termination by Mutual Agreement.** An appointment may be terminated at any time by mutual agreement between the appointee and the College.

42.00 **Termination by the Individual.** A faculty member who intends to resign his appointment or not to accept a reappointment should give definite written notice to his Dean as early as possible so that program needs may be adequately met. This notification should not be later than fifteen (15) days after receipt of the individual's Letter of Appointment.

43.00 **Termination by the College.**

43.10 **Non-Renewal of Faculty Holding a Probationary Appointment.** A faculty member in his first three years of probationary appointment will be considered annually for reappointment in accord with faculty personnel review procedures. (See 401.11.11). This assurance of review shall in no way guarantee nor convey an automatic right to reappointment. Non-renewal shall be an institutional decision based upon a regular personnel evaluation procedure and consideration of institutional needs (See 401.11.11 and 401.43.30).

43.11 **Notice of Non-Renewal.** Notice of intent not to renew an appointment for the following year shall be given in writing to the individual in accordance with the following standards:

1. Not later than March 1 of the first academic year of service if the appointment is to expire at the end of that year.

401.43.11 (continued)

2. Not later than December 1 of the person's second year of appointment if his appointment is to expire at the end of that year.
3. Additionally, notification must be given no later than June 1 of the person's second and subsequent academic years of service if his appointment is to expire at the conclusion of his next academic year of service.

For purposes of these notifications and the definition of the probationary period, a person who has served full-time for only one quarter in an academic year will be regarded as being in his first probationary year in the next succeeding full year of appointment and will be notified in accord with those standards; one who has served full-time for two quarters shall be regarded as being in his second probationary year in the next succeeding full year of appointment. Appointment to the Summer faculty will not affect this principle.

43.12 Persons who receive notice of non-renewal of a probationary appointment shall, upon their request, be provided by the Vice President for Academic Affairs with a written statement of reasons for the decision. Unless specifically delegated in writing by the VPAA, no other person or committee is authorized to issue such a statement of reasons for the decision. The statement need not allude to reasons of incompetence, but shall be based upon the recommendations of the department chairperson, the unit personnel committees, the academic deans, the VPAA and the President.

43.20 **Termination of Faculty Holding Term Appointment.** Term appointment shall be only for the period stated, and notice of non-renewal or termination shall not be required at any time.

43.30 **Termination for Program or Fiscal Needs.** Termination for program or fiscal needs is subject to appeal (see WAC 172-129: Appendix IV).

401.43.31 **Adjustment of Staff to Program Needs.** The College will make its best efforts to plan needed changes in educational programs so as to minimize sudden unexpected shifts of staffing of program units. In meeting changes brought about by shifts in student enrollment or program development it is frequently necessary to change the faculty allocation to a given department. Such decisions shall be made by the Vice President for Academic Affairs in consultation with the deans and department chairpersons in the units affected.

When the Vice President for Academic Affairs believes that the appropriate balance of faculty within a specific department or among the various departments is so distorted that it cannot be corrected without affecting positions held by probationary and/or tenured faculty, he shall so notify the President and the chairperson of the Academic Senate.

The Senate shall designate a faculty committee to work with the Vice President for Academic Affairs and the appropriate deans and chairpersons of the units concerned to develop an institutional response to the apparent faculty imbalance as perceived by the VPAA. This group will report to the Senate and to the President. The final responsibility for institutional action shall rest with the President.

When reductions are made they shall be in the order: part-time, temporary full-time as necessary to preserve academic programs. If reductions are required beyond this point the following standards shall be observed:

1. The department affected shall be notified in writing of the necessary reductions by the Vice President for Academic Affairs. Within fifteen (15) working days the department, in a manner to be determined by the membership, shall designate the positions including appropriate qualifications which are

401.43.31 (continued)

required to meet program needs. These positions will be filled in the order of seniority by qualified tenured members of the department and then by qualified non-tenured members.

2. Following receipt of the position designations from the department, the VPAA will notify within five (5) working days those faculty members who must be terminated. Such faculty may appeal this decision as provided in the By-Laws (see WAC 172-129: Appendix IV).
3. Except in cases of fiscal exigency, any probationary or tenured faculty member terminated solely for program reasons will be given at least twelve (12) months' notice.
4. Every effort shall be made to find suitable employment within the College for individuals terminated under this section. This may include opportunities for faculty members to engage in appropriate retraining. In all cases, no person may be relocated without the consent of all departments concerned.
5. If an individual is terminated, he shall be placed on a re-employment list. If two or more individuals within a given department are terminated, the College shall place them, in order of seniority, on the re-employment list. Should a vacancy be created in that department by (a) departure of one of the remaining department members whose position the terminated faculty member is qualified to fill, or (b) an increase in the faculty allocation to that department at any time up to and including the third academic year following the individual's actual termination such vacancy cannot be filled until such qualified former faculty member has been offered the position in

401.43.31 (continued)

writing and given 30 days in which to accept or reject it. Offer of re-employment of such eligible individuals shall be in terms of a regular academic year appointment beginning with the fall quarter, except that other terms may be worked out by mutual agreement.

6. All faculty terminated under the provisions of this section and who are subsequently rehired as indicated in (5) above shall retain all accrued benefits such as annual increments, tenure and previous years of service.

43.32 **Fiscal Exigency.** Whenever the President has reason to believe that an institutional fiscal exigency may occur, he shall notify the Academic Senate of the nature of the expected emergency. The Senate Business Affairs Council shall then assess the circumstances set forth in the President's message and submit its findings within ten (10) faculty working days in a report to the President, the Academic Senate, and the Board of Trustees. The Academic Senate shall consider the report and submit its recommendations to the President. The Board of Trustees shall be responsible for declaring any state of college-wide fiscal exigency, which determination shall be demonstrably *bona fide*.

Upon such declaration made by the Board of Trustees, the VPAA, the Academic Deans and a committee designated by the Academic Senate shall develop a plan for meeting the emergency. The Academic Senate shall consider the report and submit its recommendations to the President with all due speed. The final responsibility for institutional action shall rest with the President.

Support of instructional efforts will receive highest priority when an institutional fiscal exigency requires reduction of the funding of college programs.

Should faculty reductions be necessary, such reductions shall be made in accord with section

401.43.32 (continued)

401.43.31. All faculty terminated will be given as much notice as possible and preferably at least twelve (12) months. If this is not possible, then notice within the dates set forth in section 401.43.11 shall be given unless late budget reductions are made by the state legislature and such reductions create extreme fiscal problems making it impossible to meet these notice standards. Under such conditions faculty appointments will be made (see section 401.11.00) so as to provide not less than one quarter's notice or salary for those with up to two quarters of service; not less than two quarters' notice or salary for those with more than two and up to four quarters of service; and not less than three quarters' notice or salary for those with more than four quarters of service. Such provisions shall apply to full-time service only.

43.40 **Dismissal for Cause.** Other than non-renewal of a probationary appointment or termination for program or fiscal reasons, dismissal for cause from an appointment with continuous tenure, or of a term or probationary appointment before the end of the specified contract, may be effected by the College for adequate cause in accordance with RCW 28B.19 and the provisions for fair process as stated hereinafter (see Section 404.00.00). Adequate cause for such termination may include the following, all of which by definition affect fitness of the faculty member in his professional capacity:

1. Incompetence.
2. Neglect of duty.
3. Physical, mental or emotional incapacity.
4. Dishonesty or immorality
5. Conviction of a crime punishable as a gross misdemeanor or felony or one involving moral turpitude.
6. Violation of the College's published rules and regulations which results in substantial

401.43.40 (continued)

disruption or interference with the functioning of the College.

Any dismissal will be pursuant to the procedure specified in section 404.40.00.

Dismissal of a tenured appointee or of a non-tenured appointee before the end of the period of appointment for medical reasons will be based upon clear and convincing medical evidence which shall, if the faculty member so requests, be reviewed by the Faculty Appeals Committee before a final decision is made by the Board of Trustees upon the recommendation of the President.

50.00 **Conflict of Interest.** Faculty members should neither initiate nor participate in institutional decisions involving a direct benefit to members of their immediate families (such as initial appointment, retention, promotion, salary, professional leave, leave of absence).

60.00 **Outside Employment.** Outside activities undertaken by a full-time faculty member should be pursued in time beyond that required by his college assignments and responsibilities (see Section 401.11.00). Professional consulting, writing, and activities which contribute to the individual's competence and stature as a teacher and scholar will be endorsed as long as they do not interfere with teaching responsibilities. Such activity done for direct and specific additional compensation on more than an infrequent and occasional basis shall be reported at the time to the Dean. The College's intent is not to limit the activities of a faculty member, but to maintain an equity among staff members in respect to their professional contractual obligations to the College.

70.00 **Research, Scholarship and Service.**
General Policy Statement.
A policy of Eastern Washington State College is to encourage research, scholarship, and service, including the conduct of basic research in pursuit of new knowledge to the fullest extent of its financial and manpower resources, and to provide professional and financial incentives to individuals engaged in such activities. Scholarly activity which contributes, directly or indirectly, to the quality of teaching will receive the highest priority in allocating resources. Consequently, research, scholarship, and service should neither exclude teaching (excepting during

401.70.00 (continued)

professional leaves) nor diminish the effectiveness of the instructional program. In the following policy statement the word "activity," used as a generic term, refers to research, scholarship, service, and education activities of many kinds that are conducted as enterprises separately from contracted teaching responsibilities.

71.00 **Funds for Support of Scholarship and Research Activities.**

71.10 *Institutional Allowances.* Grants received by the College from outside agencies are sometimes accompanied by additional funds which will be referred to as "Institutional Allowances." (These are separate from grant allowances for institutional overhead costs, which are intended to cover actual costs to the College of the grant program, and are usually designated "indirect costs.") Institutional Allowance funds received by the College will immediately be deposited in an appropriate "source account" which will identify the origin of funds. Allocations from a particular institutional allowance will be made from the source account in the order described below, consistent with the terms of the contract or award. Where the College has agreed to contracts requiring special allocation or accountability, or where types of expenditures are restricted, special accounts will be maintained. In the absence of such special agreements, allocations from all institutional allowances will be made in the order:

1. Tuitions, fees, student charges and institutional expenses specifically provided for in the terms of the award.
2. All specified allocations to departments or projects, distributed as agreed upon in the grant or contract, or other document considered part of the contract.
3. Beginning July 1, 1970, the uncommitted remainder of each allowance will be divided with three-fourths allocated to the RSS (Research, Scholarship and Service) Fund (401.71.20 below) and one-fourth to the department or departments involved in the project. Where more than one department is involved, the distribution shall be made equitably as specified when the proposal is approved. Expenditures of departmental funds so allocated will be made at the discretion of the department for such purposes as instruction, service, or research in accord with regular institutional procedures.

401.71.10 (continued)

71.20 **RSS (Research, Scholarship, and Service) Fund.** The College will establish an institutional RSS Fund in support of research, scholarship, and service from the following sources:

1. [Suspended for Academic Year 1971-1972, 1972-1973, 1973-1974] At least two percent of the legislative appropriation for instruction, designated in the budget as program 061, instruction and departmental research. This allocation may be adjusted upward on an annual basis in the event uncommitted funds are available.
2. Funds received from grants as described under 401.71.10 (3) above.
3. Other sources which may be approved by the President and the Board of Trustees.

71.50 **Allocation of Resources from RSS Fund.** Resources from the institutional RSS fund will be allocated in the following manner:

71.51 Ten percent of the funds will be distributed equally to individual instructional departments each year on application on or before a date to be determined by the Vice President for Academic Affairs. Funds so distributed are intended to foster research, scholarship, and service and will revert annually on June 30 to the Institutional Fund if not so applied and reported to the Business Manager by a department.

71.52 One percent of the funds will be set aside for student scholarly activities. These funds will be awarded on a competitive basis by the Vice President for Academic Affairs (or designee) according to

401.71.52 (continued)

the guidelines indicated in 401.71.64 below.

71.53 The remaining funds will be awarded for faculty projects on a competitive basis by the Vice President for Academic Affairs in accordance with the guidelines in 401.71.64 below. Projects may be funded wholly from College resources. These funds will also be the source of cost-sharing and matching amounts in applications requesting assistance from outside agencies, public and private.

71.60 **Nature of the Application and Procedures for Proposals Requesting Support from RSS Fund.**

71.61 The proposal shall include a brief, precise statement of the project; the preliminary work (research or literature search) which has been done; the research methods to be used; the equipment, including library materials, needed for research; the probable length of time required to complete the project; cost; other pertinent information necessary for understanding and evaluating the project.

71.62 Each proposal shall be processed through the appropriate department before being submitted.

71.63 All proposals shall be submitted to the office of the Associate for College Relations. The ACR will review the proposal, assist the proposer in making any revisions which seem necessary, and determine if there are sufficient resources to fund the proposal. The proposal will then be submitted to the Vice President for Academic Affairs for review as appropriate to institutional goals and as feasible within College resources.

71.64 **Guidelines allocating expenditures from the Institutional Fund.**

1. Research, scholarship, and service activities shall advance or complement institutional objectives.
2. A principal investigator shall demonstrate the present or potential capability to pursue and complete the project. (This pertains to procedure and resources. The proposer is deemed the sole arbiter of the significance of his project.)
3. The size of the RSS budget necessitates that proposals requiring relatively large sums of money be funded primarily by outside agencies.
4. Proposals that open new areas of investigation and stimulate further research activity will be favored.
5. Proposals for matching funds from outside agencies will be favored as a means of augmenting available research funds.

401.71.64 (continued)

71.65 The Research and Scholarship Committee will serve as an appeals body for any faculty member who does not receive approval for a proposal which he feels meets the guidelines in 401.71.64. In denying a proposal, the Vice President for Academic Affairs will state his reasons briefly in writing. Any appeal should be based on this written denial.

72.00 **Copyrights and Royalties.** Because of the changing nature of the matter involved in this section and possible need to amend the policies from time to time, the entire section 401.72.00 to 401.72.60 is included as Appendix III, which see.

75.00 **Remuneration for Extended Service Related to Grants and Contracts Funded by Outside Agencies.**

75.10 Any academic College employee may participate in professional activities or services delivered to College projects funded by outside agencies, provided such activities or services:

1. Do not interfere with the discharge of contractual obligations and duties;
2. Have approval of the Vice President for Academic Affairs;
3. Are recorded in a supplemental employment contract prior to performance of the service.

75.20 A faculty member participating in projects funded wholly or in part by outside agencies shall be paid at a rate consistent with his contracted salary. In the event his professional service involves consultation, or participation for which a consultant's rate would normally be paid, he may accept combined compensation from his regular salary (including summer

school) and from a project or projects up to 25 percent above his regular monthly salary. (Example: A faculty member paid $1,000 per month may provide professional services to a project or projects which result in a total monthly income from the College up to $1,250.)

1. On a clear written showing of extra performance which, in the opinion of the Vice President for Academic Affairs (or designee) warrants additional pay, the director or assistant director of a project funded by an outside agency may request from the agency a differential in regular salary up to 10 percent above his contracted salary for the duration of the project;
2. Other faculty shall be paid at their regular rates of pay. Support personnel shall be paid according to existing scales established by the College;
3. Ordinarily consultants and resource people may receive no more than $25 per hour to a maximum of $150 per day plus actual expenses within the limits established by College Policy on travel and per diem.
4. "In-kind" services are part of the regular College assignment. No additional compensation will be paid. "In-kind" contributions are those from College resources which advance a project without compensation from grantor funds. The computation of "in-kind" contributions enables the College to share financing projects within its current obligations.

All grant proposals and contracts providing extra compensation to our faculty must be approved by the department chairperson and the office of the Vice President for Academic Affairs prior to submission.

ACADEMIC RIGHTS, DUTIES AND OBLIGATIONS

402.00.00 Rights, Duties and Obligations.

00.10 **Code of Ethics.** The Eastern Washington State College *Code of Ethics* as adopted by the Board of Trustees is a basic statement (See Appendix No. 4).

00.20 The 1940 "Statement on Academic Freedom and Tenure" has been adopted as a guideline for faculty policies and procedures at EWSC (see Appendix II). As such, its general intent shall be followed in defining rights, duties, and obligations of faculty members, except that, beginning with the faculty appointed after March 1, 1974, only full-time service at Eastern Washington State College will be counted in determining years of probationary service for tenure consideration.

10.00 Rights.

10.10 **Academic Freedom.** The principle of academic freedom shall be protected and preserved by all members of the college community.

10.20 **Participation in Faculty Governance.** In addition to the regular channels of the academic administrative structure, the faculty shall have regular opportunity to consider and make recommendations to the administration on matters of faculty welfare and the educational program of the College, through the Faculty Organization and its elected Senate-Council bodies.

10.21 The elected head of the Faculty Organization may consult with the President of the College and convey to him any written recommendations adopted by the Faculty Organization which shall be presented to the Board of Trustees at its regular or special meeting.

10.30 **Faculty Appeals and Grievance Procedure (see Appendix IV).**

20.00 Duties and Obligation.

21.00 **Teaching Responsibilities.** Each faculty member is responsible for planning, organizing, and informing his students of the course content, texts, attendance regulations, and evaluation procedures of each course.

402.21.10 **Office Hours.** It is expected that each faculty member will schedule and maintain office hours adequate for service to students and other college offices serving students.

22.00 **Committee Service.** Faculty members are expected to participate in departmental staff meetings, and to serve on departmental and college committees as a part of their regular service. However, a faculty member shall have the right to limit the number of committee assignments he accepts, and should not be asked to serve on more than two major college committees or councils at the same time.

23.00 **Reports and Check-out.**

23.10 **Grade reports** for all students enrolled in his courses shall be filed by each teacher on or before the deadline established by the Registrar each term.

23.20 **Personal absence.** All faculty absences on class days due to illness or other reasons shall be reported as soon as possible to the department and arrangements made for any class which is scheduled to meet. It shall be the responsibility of the department chairperson to maintain a record of faculty members' absences from scheduled duties. Any serious illness should be reported to the Vice President for Academic Affairs.

23.21 A faculty member who must be absent for *personal* reasons for a period of time involving work days shall obtain approval of the Unit Dean through the department chairperson. Leave arrangements may be made for extended absences requiring replacement during the time of absence.

23.30 **Check-out of faculty each year.** Department chairpersons will be responsible for seeing that faculty members in their department complete all assignments before the end of each academic year and the summer session. Upon separation of a regular or term faculty member from the staff, the Office of Vice President for Academic Affairs may instruct the Business Office to withhold the final paycheck if library, fiscal or academic check-out is incomplete.

30.00 **Enrollment of Staff in Course.** No member of the regular faculty may be a degree candidate at EWSC. Faculty members may take or audit a course. Since it is prohibited by state law, there is no waiver of fees for either a faculty member or a member of his family.

402.30.00 (continued)

40.00 **Teaching Loads.** The standard average teaching load is 12 credit hours per week. Variations from this standard may be obtained, based upon number of students, type of instruction, departmental arrangements for distributing loads, and assistance available, as approved by the Vice President for Academic Affairs.

40.10 **Administrative duties.** Adjustment of teaching load for administrative responsibilities shall be made at the time of assignment.

40.20 **Extension teaching.** A staff member may be given permission to teach one extension course in addition to his regular load. Additional extension courses in any quarter shall be counted as part of the regular teaching load and are not subject to additional remuneration.

50.00 **Leave Policies--Faculty.**

51.00 **Sabbatical (Professional) Leaves.** The following statement on Professional Leaves was adopted by the Eastern Washington State College Board of Trustees on March 16, 1973, and is reprinted herewith in its entirety:

A. Purpose of Leave

Professional leave may be granted by the Board of Trustees for purposes of research or creative work which leads to the improvement of undergraduate and graduate teaching. Professional leave may be taken to complete projects in the following areas:

1. Research in an academic field, in library services, in some aspect of college administration, or college curriculum, or
2. Creative work of an educational, literary, artistic, musical, scientific, or professional nature, or
3. Basic research which has social, economic, scientific, or developmental value, but
4. Professional leave will not be granted for the purpose of working for an advanced degree; however, the possible acquisition of credit applicable toward an advanced degree as a result of formal study while on professional leave shall not prejudice

the award to an otherwise qualified recipient.

B. Personnel Eligible

The tenured academic personnel who shall be eligible for professional leave when they meet the specified qualifications are:

1. Full-time faculty members.
2. Full-time personnel who hold faculty rank and who may teach part-time and assume other college responsibilities.
3. Full-time members of the professional library staff.

C. Eligibility for Leave

Eligibility for professional leave will be judged on the merits of each case as it meets the specific criteria for selection. The element of rotation within a division of faculty shall not be a factor in selection.

1. A person may be granted a professional leave for a maximum of one academic year in any six-year period provided that person presents an application that meets all other requirements regarding leave qualification. The six-year period will be computed from the year of initial full-time appointment. An academic year begins with fall quarter and ends with spring quarter.
2. In computing consecutive years of service, periods of sick leave will not disqualify. One year of leave without pay for research or work of a creative nature or to take a professionally-related position will not disqualify. A period of leave without pay to do graduate work will not count as part of the six-year period, but will not be considered as an interruption of the consecutiveness of service. Anyone taking an unpaid leave is advised to obtain a ruling from the Vice President for Academic Affairs as to whether such leave time will count toward the required six-years of service.

3. Faculty members may have a year's professional leave, taking one, two, or three quarters at a time. If less than three quarters is taken at a time, the remaining quarter(s) may be taken within the remainder of the six-year period. Additional quarters are not guaranteed.

D. Policies Governing Personnel on Leave

1. Individuals on professional leave shall be entitled to the same benefits as other personnel in the same category. This applies to salary raises, insurance coverage, liability coverage, retirement, etc.
2. The period of leave shall be counted as time in rank and experience on the Eastern faculty for purposes of advancement.
3. With such leave goes assurance of returning to one's former academic or professional rank and position or one mutually agreeable to the recipient and the College administration.

E. Policies Involving Programs and Services

1. It shall be College policy to grant leave amounting to 2.5 to 3.5 per cent of the full-time equivalent quarter faculty.
2. The leave program shall be on a "break-even" basis. This is interpreted to mean that where necessary, additional faculty may be hired to replace personnel on leave up to a salary figure equal to the total reduction in base salary of all faculty on professional leave.

F. Terms and Conditions

1. The granting of such leave shall not become automatic upon application but will be dependent upon:
   a. The purpose of the individual leave;
   b. The quality of the project proposed;
   c. The ability of the individual to carry out a successful project;
   d. The significance and potential value of the project to the individual, the College and the State of Washington, and

402.51.00 (continued)

e. The possibility of funding the provisions of Section E.

2. To receive consideration an individual must make formal application in writing.

3. The faculty member on leave shall receive full salary for the first quarter and one-half salary for the second and third quarters.

4. Salary for leave will be determined on the basis of the salary agreement in effect during the specified period of leave.

5. Faculty members may seek additional support for their projects from outside agencies. Such aid must be in direct support of the project for which professional leave is granted. A portion of this aid may be used to supplement the leave stipend up to but not exceeding the base salary. Additional stipend funds will be used to reduce the Eastern stipend thereby enabling further professional leaves to be granted.

6. An individual accepting such leave shall agree to return to Eastern at the termination of the leave for a period of at least one academic year. If the individual does not return, it shall be understood that all money received from the College during the period of the leave shall be repaid to the College.

7. Methods of payment while on leave should be set up through mutual agreement of recipient and the College.

8. A full report of the completed project shall be prepared for the Vice President for Academic Affairs, the President, and a copy for each member of the Board of Trustees.

G. Application Procedures

1. Applications for professional leave shall be submitted in writing and normally should be in the hands of the Vice President for Academic Affairs by December 1 of the academic year preceding the academic year in which the leave is to be taken. However, in exceptional cases—such as an opportunity arising upon shorter notice—later applications may be considered at the discretion of the Committee and the administration.

402.51.00 (continued)

2. The following should be included in the application:
   a. Statement of the proposed project;
   b. Purpose and scope of the project;
   c. Value and significance of the project, both intrinsically and in relation to the applicant's teaching and other responsibilities at Eastern;
   d. Detailed plans for carrying out the project;
   e. Evidence of support for the proposed project including letters from other institutions (if the project is to be carried out at another institution) and other individuals concerned with the proposed project;
   f. Dates and length of leave requested;
   g. Time, if any, to be devoted to another activity or project. Include beginning and terminal dates;
   h. Remuneration, if any, from other sources.

3. Applications should be submitted through the department chairperson to the dean of the school/college/division. Each dean will review the application and send his comments along with the application to the Vice President for Academic Affairs.

4. All applications will be reviewed by the Research, Scholarship, and Service Committee. Its recommendation should be made to the President as soon as possible after receiving applications.

5. Notification to the applicant of the decision concerning the granting of the leave shall be made by the President not later than the end of the quarter following that in which the application was submitted.

6. Faculty who take less than three quarters leave and who wish to take the remaining quarter(s) during the six-year period should apply for the remaining leave in the manner described above. Each application is a new application and will be considered with all others for that year.

[These policies and procedures should be reviewed during Fall Quarter, 1975.]

27

402.52.00 **Sick Leave.** Absence due to illness certified by a physician to be fully incapacitating will carry full salary continuation up to a total of six months.

403.00.00 Salaries, Rank, Promotion, Tenure.

00.10 **Staff Evaluation.**

00.11 **Evaluation (Personnel) Units.** Eastern Washington State College shall establish units for the purpose of evaluating faculty members for retention, tenure, promotion, and merit salary increases. These units shall be comprised of at least 15 staff members and shall be formed by action of departments. Departments of fewer than 15 members shall join with other departments (normally within the same major division) to form such units, and larger departments may break up into several units.

The Unit Personnel Committee shall contain *six* members elected by all eligible members of the unit for two-year terms, except that when a Unit Personnel Committee is formed for the first time, the term of office will be determined by lot—three for one year and three for two years. Three members shall be elected in the spring of each year and no committee member may serve two consecutive terms. The candidates shall be chosen so that each professional rank and each sub-division on the Unit Personnel Committee is responsibly represented.

Each fall the Committee will choose a chairperson who will not be considered for promotion. It shall be the function of the committee chairperson, working with the Dean to see that all necessary records are ready when required in the Winter Quarter.

00.30 **Divisional Personnel Committee**—used only in procedures for recommendations on promotion (see 403.40.33).

10.00 **Salaries**

10.10 **Pay Periods and Salary Payment Policies.** The salary for faculty members whose academic contract year comprises the three quarters (fall, winter, spring) shall be paid in ten equal payments, beginning September 30, and ending June 30. The

403.10.10 (continued) salary for faculty members whose academic contract year comprises two quarters and a summer assignment equivalent to a quarter, may be paid in 12 monthly payments beginning with the summer session or quarter in which the actual assignment begins; or it may be paid in 10 monthly payments set during the actual periods of the teaching assignment. Arrangements may be made with the Payroll Office to have annual salary paid in 12 monthly installments if desired. In cases of separation from the college payroll before the completion of any contract period, or for personal leaves, the state policy of prorating earned income on a daily basis will be followed. Working days are considered to be the total of all instructional, registration, and final examination days. The salary schedule varies from year to year according to the legislative appropriation. It is determined in March of each year.

10.11 **Summer Salaries.** The Vice President for Academic Affairs or his designated agent shall have the authority to appoint the staff members who teach during the summer session and shall fix the salary to be paid, subject to approval of the Board, within the budgetary limitations allowed (see 400.16.00). Salaries for regular College faculty teaching in the summer sessions (eight weeks) in addition to their regular academic contract year shall be 2/9 of the salary for the previous academic contract year. The summer salary for a faculty member whose academic contract year includes a summer assignment equivalent to a regular quarter shall be equal to one-third (1/3) of his contract year salary.

New faculty members who are expected to complete the doctoral program or who are expected to do additional graduate study may be employed the summer following initial employment. Employment for further summer teaching will be dependent on progress made toward the doctorate or other advanced degree. Departments are expected to follow a practice which is equitable to all staff members

403.10.11 (continued)

interested in summer employment. Salaries for visiting faculty will be set on the basis of each individual's experience, preparation and special competence to teach in a particular area

10.12 **Salary Schedule Procedure.** A proposed salary schedule shall be presented to the Board of Trustees by the March meeting of the Board for the following academic year. The salary schedule shall be considered by the Personnel Policies and Merit Committee with recommendations from that committee to the Faculty Affairs Council, then to the Senate and finally recommended by that body to the President. The proposed schedule as submitted by the President to the Board shall take into consideration budgetary limitations imposed upon the institution for salary expenditures.

10.13 **Salary on Return from Leave.** All full-time faculty who are granted leave status for a period of no more than one year shall be treated as continuing faculty and shall be granted salary increments as if they had been on the campus in a full-time position. Should the faculty member on leave earn a doctorate in this period he shall be entitled to an additional increment as is normally granted for completion of that degree. Remuneration for faculty on leave shall be computed and notification sent out at the same time as for all other personnel in the early spring.

10.20 **Salary Increases.** *[This section omitted.* As currently written it describes a procedure for merit evaluation and the allocation of service and merit salary increments which has been suspended for several years. Various substitutes for merit pay have been proposed but none has been acceptable to the Board of Trustees. A Board committee has voiced support for ". . . . the concept of merit pay in which prizes or one year salary supplements are awarded to a relatively few faculty . . . ." In addition, the committee "would like to see added (to the current salary schedule) a provision for a discretionary step increase at any point in the schedule." (Board of Trustees meeting, December 13, 1973.)

403.10.20 (continued)

In 1973 the Board of Trustees adopted a basic salary step schedule which set goals, (a) to bring EWSC salaries to the general average level of the seven-state survey; (b) project movement toward this goal by fixed dollar incremental steps within each rank; (c) achieve an internal relationship whereby the range from the bottom of the assistant professor rank to the top of the professor rank will be approximately 100%, the range within each rank be approximately 30% of the bottom of the rank, and the yearly increment be approximately 3% (in addition to adjustments of the whole scale for cost of living increase in the seven-state survey average). Implementation of the several parts of this schedule will be subject to legislative appropriations and availability of funds to carry them out.]

20.00 **Rank.**

20.10 **Qualifications for Rank.** The salary schedule shall recognize four levels of qualifications applied to the four academic ranks as follows:

1. *Instructor*—Normally a master's degree shall be expected for appointment to this rank. Exceptions should be rare but may be made in such areas where expertise is not necessarily associated with advanced degree work.
2. *Assistant Professor*—Normally a doctor's degree where the doctorate is expected. Lacking possession of the doctorate a master's degree and at least three years of successful professional experience.
3. *Associate Professor*—Normally a doctor's degree where the doctorate is expected and six or more years of successful professional experience. Lacking possession of the doctorate, a master's degree and nine years of successful professional experience.
4. *Professor*—Normally a doctor's degree and ten years successful professional experience or other terminal degree appropriate to the field and fifteen years successful professional experience. A faculty member lacking the appropriate terminal degree may be promoted to the rank of professor only in exceptional cases and where his expertise in his field is clearly equivalent or superior to that

403.20.10 (continued)

associated with the doctorate. Any faculty member promoted to the rank of professor should have demonstrated:

a. Excellent teaching which commands the respect of faculty and students.
b. Active participation in departmental and college affairs such as membership on policy-forming committees.
c. Important professional contributions of local and general significance.
d. Evidence of superior scholarship.

40.00 Promotion.

40.10 Promotion Schedule. Personnel Committee recommendations on promotion must be completed and submitted to the Vice President for Academic Affairs *prior to February 20* of each year. Final recommendations will be made to the Board of Trustees at its regular March meeting. The effective date of such promotions is September 1 of the next academic year. The President has the right to promote any faculty member at any time subject to approval of the Board of Trustees.

40.20 Criteria for Promotion. All individuals and committees evaluating faculty members for promotion shall employ the following criteria:

1. Teaching effectiveness
2. Professional activity, research, scholarship and/or creative activity.
3. Contributions to departments and other College matters.
4. Academic preparation and experience.

Concrete evidence must be supplied for each of the above four criteria.

It is recognized that such evaluations, particularly of teaching effectiveness, are difficult to make. Nevertheless, divisional committees should demand reasonable evidence of presumed outstanding or deficient performance.

Years of service must be considered but are not in and of themselves sufficient grounds for promotion.

Since the nature and value of various aspects of faculty members' performance will vary from one academic area to another, each unit committee is expected to formulate its own criteria and submit them to the division's dean for approval.

403.40.30 Promotion Procedures.

40.31 Eligibility for Consideration. Beginning in January of each year, the unit personnel committees shall consider all eligible faculty for possible promotion. Eligible in this context shall include:

1. All faculty meeting the qualifications for the next higher rank (see Section 403.20.10) and who have served three years or more in their current rank at Eastern Washington State College.
2. Any faculty member in his second year or later recommended for promotion by (a) the department chairperson, (b) the division dean, or (c) the department personnel committee (if any).

The dean shall provide each unit personnel committee with a list of faculty eligible for consideration and shall notify the appropriate individuals that a recommendation is required.

It shall be the responsibility of each faculty member to provide an updated resume to be filed in the unit dean's office.

40.32 Unit Review and Ranking. The unit personnel committee shall devise a rating system involving the categories specified above, with appropriate weight given to each area. Teaching effectiveness is to be given greater weight than any other factor as supported by student evaluation. Committee members are obligated to give careful consideration to the recommendations of department chairpersons and other appropriate members of the academic community. Following the discussion of all candidates (any committee member being absent if his case is being discussed), each committee member shall assign a score to each category for each candidate (except himself). These scores shall be given to the chairperson, who shall determine the average of the 6 (or 5) scores and thereby place the faculty members in descending order of promotional merit. A separate listing shall be made for each rank. No faculty member whose name has been submitted for consideration may be omitted from the listing except at his own request. The

403.40.32 (continued)

chairperson of the Unit Personnel Committee shall send tentative lists to the department chairpersons for review. Department chairpersons may submit written objections, if any, to the committee.

The committee chairperson shall submit a copy of the final ordered list for each rank to the division dean and the department chairpersons.

40.33 **Divisional Personnel Committee.** A divisional personnel committee, composed of one delegate elected from each of the unit personnel committees shall be assembled by the unit dean. It shall be the duty of this committee to interweave the various lists so as to form a single ordered list for each rank. Unit personnel committee priorities are not to be violated without consulting the unit personnel committee. There is *no* requirement at this point that the candidates from the various units must alternate on the combined listing. It is perfectly feasible for several or all candidates from one unit to rank ahead of any and all candidates from other units.

40.34 **Final Recommendations.** The unit dean shall submit the final ordered list for each rank to the Vice President for Academic Affairs (prior to February 20). In addition, the dean shall submit to each department chairperson the names of the members of his department on the final list and their position on the list; i.e., Mr. Smith, number six of fourteen, etc.

The Vice President for Academic Affairs with the assistance of the Council of Academic Deans will submit to the President the ordered lists indicating those members of the faculty he supports for promotion.

The President of the College will make the final selection and submit his recommendations to the Board of Trustees. It is to be expected that deviations from the order arrived at in the divisional personnel committee will be rare, and, if made, will be justified to that committee.

404.00.00 Separation.

10.00 **Definitions.**

11.00 "Termination" refers to a discontinuation of employment of a faculty member at Eastern Washington State College because of fiscal exigency or program adjustment pursuant to By-Law 401.43.20 through 401.43.36 of the Eastern Washington State College By-Laws, or nonrenewal of a probationer faculty member's contract pursuant to By-Law 401.43.10 through 401.43.12 of the Eastern Washington State College By-Laws.

12.00 "Dismissal" shall mean termination of a faculty member's employment at the College for adequate cause as that term is defined in By-Law 401.43.40 of the Eastern Washington State College By-Laws.

30.00 **Dismissal Procedures.**

30.10 Adequate cause for dismissal of a faculty member or a professional librarian for other than program or fiscal reasons will be related directly and substantially to the fitness of the faculty member or professional librarian in his professional capacity as a teacher and/or researcher. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights guaranteed by law.

30.11

1. Dismissal for such cause of a faculty member with continuous tenure or with a special or probationary appointment before the end of the specified term, will be preceded by: (a) discussion between the faculty member and appropriate administrative officers looking toward a mutual settlement; (b) informal inquiry by the Faculty Appeals Committee which may, failing to effect an adjustment, determine whether in its opinion dismissal proceedings should be undertaken, without its opinion being binding upon the President; (c) a statement of charges, framed with reasonable particularity by the President.
2. When a statement of charges for dismissal has been drawn up, the individual concerned will have the right to be heard by an elected *ad hoc* committee established by the Faculty Senate. Any member of this committee will remove himself from the case either at the

request of one of the parties, or on his own initiative if he deems himself disqualified for bias or interest. Each party will have a maximum of two challenges without stated cause.

a. Service of Notice of Hearing with specific charges in writing will be made at least 20 days prior to the hearing. The faculty member may waive a hearing or may respond to the charges in writing at any time before the hearing. If the faculty member waives a hearing, but denies the charges against him or asserts that the charges do not support a finding of adequate cause, the Committee will evaluate all available evidence and rest its recommendation upon the evidence of the record.

b. The committee, in consultation with the President and the faculty member, will exercise its judgment as to whether the hearing should be public or private.

c. During the proceedings the faculty member will be permitted to have an academic adviser of his own choice.

d. At the request of either party or the hearing committee, a representative of a professional association will be permitted to participate in the proceedings.

e. A verbatim record of the hearing or hearings will be taken and typewritten copy will be made available to the faculty member at his request, without cost to him when the College has initiated the dismissal action.

f. The burden of proof that adequate cause exists rests with the institution, and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

g. The hearing committee will grant adjournments to enable either party to investigate evidence as to which a valid claim of surprise is made.

h. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence, and the administration of the institution will, insofar as it is possible to do so, secure the cooperation of such witnesses and make available necessary documents and other evidence within its control.

i. The faculty member and the administration will have the right to confront and cross examine all witnesses. Where the witness cannot or will not appear, but the committee determines that the interests of justice require admission of his statement, the committee will identify the witness, disclose his statement and if possible provide for interrogatories.

j. In the hearing of charges of incompetence, the testimony shall include that of qualified faculty members from this or other institutions of higher education.

k. The hearing committee will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.

l. The finding of fact and the decision will be based solely on the hearing record.

m. Except for simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officers will be avoided as far as possible until the proceedings have been completed, including consideration by the Board of Trustees. The President and the faculty member will be notified of the decision in writing and will be given a copy of the record of the hearing.

n. If the hearing committee

404.30.11 (continued)

concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the Senate and to the President. The Senate shall not attempt to substitute its judgment on the merits for that of the hearing committee, but it shall receive the report and transmit it to the President.

30.12 **Action by the Board of Trustees.** If dismissal or other penalty is recommended, the President will, on request of the faculty member, transmit to the Board the record of the case. The Board's review will be based on the record of the committee hearing, and it will provide opportunity for argument, oral or written or both, by the principals at the hearing or by their representatives. The decision of the hearing committee will either be sustained or the proceeding returned to the committee with specific objections. The committee will then reconsider, taking into account the stated objections and receiving new evidence if necessary. The Board will make a final decision only after study of the committee's reconsideration.

30.13 **Suspensions.** Until the final decision upon dismissal has been reached, the faculty member will be suspended, or assigned to other duties in lieu of suspension, only if immediate harm to himself or others is threatened by his continuance. Before suspending a faculty member, pending an ultimate determination of his status through established hearing procedures, the administration will consult with the Senate. Suspension is appropriate only pending a hearing; a suspension which is intended to be final is a dismissal, and will be dealt with as such. Salary will continue during the period of suspension.

30.14 **Terminal Salary or Notice.** If the appointment is to be ended by dismissal, the faculty member will serve and receive his salary until the end of his contract year. This provision for terminal notice and

404.30.11 (continued)

salary need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude.

APPENDIXES

Appendix I

Eastern Washington State College

Code of Ethics

(Adopted by the Board of Trustees, June, 1961, amended June, 1970)

This Code of Ethics is established and adopted in order to comply with Chapter 320, Regular Legislative Session Laws of 1959, and to provide a set of standards for the work, the business, and the professional relationships of members of the Board of Trustees, the academic staff, and all other employees of this institution, and thereby give guidance to all personnel, prevent conflicts of interests, and strengthen the faith and confidence of the people of the state of Washington in Eastern Washington State College.

In order to fulfill the requirements of their positions of public trust, the Board of Trustees, the academic staff, and all other employees of the College shall not maintain any financial interests, direct or indirect, nor engage in any business or transactions, nor use privileged information or personal influence, nor undertake any activity that will secure any individual or group special privileges or advantages that are in conflict with their obligations or responsibilities to the College.

To secure the fundamental benefits of higher education the academic staff and students need to have freedom of action and discussion in the classroom and in academic consultation. The beliefs, attitudes and action of the academic staff and students in matters of religion, politics and public affairs are to be accepted with respect and considered as rightfully unique and individual. As a member of his community, a staff member has the rights and obligations of any citizen. When he speaks or acts as a private citizen he must not claim or imply in any way that he represents the College. The general principles of freedom of inquiry and expression are accepted and encouraged as governing the relationships within the entire community, while legal obligations and responsibilities are recognized.

The Board of Trustees, the academic staff, and all other employees of the College have the obligation to work in mutual respect. This requires the employing body and administration to treat each individual with dignity and respect and obligates the employing body and administration to seek the employees' opinions, conviction, and advice concerning college policy. Thoughtful criticism on any phase of the institution's responsibilities and operations is expected. These obligations may take the form of encouraging the personnel to organize so as to present the views of the group.

The obligations of the academic staff and other employees are equally applicable: To develop their capacity to the fullest to serve the institution and its purposes; to be unbiased in their evaluations of the character of students and the quality of their work; and to work cooperatively with one another and the administration to improve constantly the quality of the academic and other services of the College.

The Board of Trustees holds a unique position of trust and responsibility. The Board shall follow policies and procedures that will attract an outstanding academic and non-academic staff. The recognition of excellence in service in any sphere, the establishment of contacts with staff members through appropriate communication channels, the support of faculty welfare action, and the commitment to the acceptance of appropriate responsibility designated for the Board, the administrators, the academic staff and other employees will help the conditions that will enable the employing body of the college to obtain and retain highly competent personnel.

This Code shall be published and shall be available so that all persons affected by the Code will have knowledge of its provisions.

Any person who is governed by this Code and who is presumed to have violated this Code, may be referred by the President of the College or the Chairperson of the Board of Trustees to the appropriate group for a hearing: To the Board of Trustees when a Board member is involved; to a special committee appointed by the President which is representative of the academic staff and all other employees, when the personnel of the College is involved. The appropriate committee shall consider the case and make recommendations to the appointing person of any necessary action.

As new understandings and agreements are reached, this Code will be modified by common consent of those who are governed by this Code with final approval by the Board of Trustees.

Appendix II

Academic Freedom and Tenure
1940 Statement of Principles

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher[1] or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Academic Freedom

(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should be at all times accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

Academic Tenure

(a) After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an advisor of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

Interpretations

At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7–8, 1940, the following interpretations of the 1940 *Statement of Principles on Academic Freedom and Tenure* were agreed upon:

1. That its operation should not be retroactive.

2. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure.

3. If the administration of a college or university feels that a teacher has not observed the admonitions of Paragraph (c) of the section on *Academic Freedom* and believe that the extramural utterances of the teacher have been such as to raise grave doubts concerning his fitness for his position, it may proceed to file charges under Paragraph (a) (4) of the section on *Academic Tenure*. In pressing such charges the administration should remember that teachers are citizens and should be accorded the freedom of citizens. In such cases the administration must assume full responsibility and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

[1] The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

Copyrights and Royalties

401.72.00 **Copyrights and Royalties.** The purpose of the following policy statements concerning copyrights and royalties is to identify and establish the types of assistance provided by the College to faculty and staff who produce creative, scholarly and research materials; and to define the control of, and rights to any income derived from such professional productions created by individuals while employed by the College. Because of the relatively uncharted and changing nature of the matter involved, the Board of Trustees in adopting these policy statements makes known that the policies will be reviewed and may be amended from time to time as circumstances may warrant in the judgment of the Board.

72.10 **Copyrightable Materials.** Copyrightable materials are produced at Eastern Washington State College under three basic conditions:

1. faculty originated materials developed initially for classroom use in College programs but which may become marketable,
2. materials originally developed by any employee for other-than-classroom use in programs of the College,
3. materials developed as a result of a formal contract with the College, including appointment to positions in which such production is a part of the defined duties of the position.

72.11 **Types of Copyrightable Material.** The following materials are subject to copyright and are included under the scope of this policy:

1. Books, articles, texts, bibliographies, study guides, manuals, syllabi, and similar printed materials.
2. College-sponsored or -assisted periodicals.
3. Unpublished lectures, musical or dramatic compositions, and scripts.
4. Maps and similar representations.
5. Photographs, drawings, art reproductions, and other works of art, or scientific or technical illustrations.
6. Films, filmstrips, charts, transparencies, and other visual aids.
7. Video and audio recordings and cassettes.
8. Live video or audio broadcasts.
9. Programed instruction materials.
10. Computer programs.
11. Other materials that may become copyrightable under the revisions of the copyright law.

For more detailed descriptions, see the various brochures issued by the Copyright Office of the Library of Congress.

72.12 **"Originating" Person(s).** If more than one person is involved in the development or production of materials covered in these policy statements, it shall be the responsibility of the individuals and not of the College to determine their share or proportion of rights and obligations in agreements or policy administration.

72.20 **Materials Developed for Classroom Use.** To encourage the development of classroom materials, College facilities and staff time within budget feasibility will be made available to faculty and staff members in developing classroom materials, as part of the College's educational program.

72.21 When materials are developed for classroom use, the rights to royalties and copyrights shall reside with the originating faculty or staff member for purposes of any net income which subsequently may be derived from the materials; but the College shall retain the right to use of such materials in its own programs or in any cooperative educational programs in which it is engaged. Should any net dollar income accrue from use of this material by the College in a cooperative program, such income shall revert to the originating faculty or staff member.

72.22 Materials published or duplicated at College expense may not be sold to students registered in College programs, *except on a basis of recovering the actual cost of production and through procedures approved by the College.*

72.30 **Materials Developed for Other-than-Classroom Use.** Material for other-than-classroom use is that which in its physical form and specific content is not primarily designed for direct use in instructional programs of the College.

72.31 When material is developed for other-than-classroom use, with or without College assistance, the rights to fees, royalties, and copyrights shall reside with the originating faculty or staff member. This shall not include materials developed for informational purposes about College programs or materials prepared as part of the individual's duties in his regular assignment at the College.

72.32 If, in developing these materials, the faculty or staff member makes use of College materials or services, he is obligated to reimburse the College for developmental and production costs if he elects to apply for copyright or benefit from any sale of the material. These costs shall be determined by the officer administering this policy on the basis of reports by the internal auditor and other employees of the College which determine the actual cost to the College of such development and production, and shall be billed to the faculty or staff member. Use of library resources or personal office space shall not constitute a cost for the purposes of this section.

72.40 **College-Commissioned Material.** College-commissioned materials consist of those which result from a specific sponsorship by the College. Such projects may be proposed by the College administration or by a faculty or staff member. Any such sponsorship shall be accompanied by a written contract, prior to the development of the material, specifying the institution's and the individual's rights and obligations. Materials prepared as part of an individual's duties in his regular College assignment shall not be subject to these provisions.

72.41 In the case of college-commissioned materials, barring a written agreement to the contrary, the College shall have first right to apply for a copyright. If the College does not exercise this right, the individual originator may seek

401.72.41 (continued) College permission to obtain a copyright, in which case the originator will agree to reimburse the College for the costs of production which results in commercial or non-college income to the originator.

72.42 Except for those individuals whose regular assignment includes the creation of potentially copyrightable material, contract arrangements for development or production of such materials should provide for appropriate adjustment of work load or payment for the time required by the project.

72.43 The contract providing for development of college-commissioned materials may assign none or all of the royalties to the originator. The administering officer should consider the advantages of sharing at least a portion of the royalties with the originator. Income derived by the College from college-commissioned material should ordinarily be allocated to College budget accounts for the support of instructional or scholarly development.

72.44 The granting of professional leave or leave of absence initiated by a faculty or staff member does not create a College commission for material which may result, unless there is a prior written agreement so specifying. In the absence of such an agreement, the rights and royalties of copyrighted materials resulting from such leaves shall reside with the originator.

72.45 In the case of production of materials under a grant administered by the College, the assignment of rights and royalties shall be accomplished in accord with the terms of the grant. If the sponsor makes no provision for the division or assignment of rights and royalties, then the administering officer shall apply the appropriate provisions of the College copyright and royalty policy.

72.50 **Ownership and Use of Certain Copyrightable Materials.** Ownership and use of films, video-tapes, transparencies, audio-tapes, computer-assisted instruction programs and similar educational materials should be in accord with the following guidelines:

1. When College materials are employed, the College retains physical ownership and rights for

use of the materials in its educational and administrative programs, so long as no revenue in excess of the cost of production of the materials is realized by the College through such use, or no agreement to the contrary has been made with the originator.

2. The originator may request revision or withdrawal of materials on the basis that its substantive content is in error or outdated and therefore is educationally invalid; and the administering officer shall provide the originator an opportunity for revisions of the material if in the administering officer's judgment full withdrawal from use is not required for educational validity. The College may withdraw college-commissioned materials from use at any time, even though rights and royalties may be shared with the originator.
3. Any loaning, copying, transcribing or other use of copyrightable materials should always be accomplished in a manner that protects the rights and interests of the originators, and charges should be made and income shared when appropriate to do so. *In order to accomplish this objective, the College will not permit any copying, transcribing, or other use of copyrightable materials unless the user executes an agreement with the College that accords the originator(s) all revenues the user receives, for its use of such College copyrightable materials, to the extent that such revenues exceed the cost of such use.* Copyrightable materials produced in College facilities which are loaned or otherwise made available for use shall be accompanied by a protective statement indicating that all rights are reserved and written permission must be obtained to duplicate the work in part or in its entirety.

72.60 **Use of College Facilities to Produce Salable Materials.** It is not the intention of the College to compete with private enterprise. Use of College facilities to

produce salable materials should have a clearly discernible educational purpose or benefit related to the College's announced programs.

72.61 Members of the College community who intend to produce material for commercial purposes shall contract with a private publisher, manufacturer or distributor for such services whenever practicable.

72.62 Non-College artists, performers, or other individuals or groups, making use of College facilities for the purpose of producing commercially salable materials, shall be charged a fee comparable to that which they would encounter in similar, commercially provided services. Unless there is a written agreement to the contrary, all rights and royalties shall be sought by, and accrue to, the outside artist, performer, individual or group. The College assumes no obligation to seek copyright protection or secure royalties in such cases. The assignment of rights and the division of royalties shall be in accord with the standard practices of the non-College user's profession or industry.

Faculty Appeals and Grievance Procedure
WAC 172-129

Index to Faculty Appeals and Grievance Procedure
WAC 172-129
Eastern Washington State College

WAC 172–129–010	Purpose
WAC 172–129–020	Jurisdiction
WAC 172–129–030	Definitions
WAC 172–129–031	References to By-Laws
WAC 172–129–035	Informal Hearings
WAC 172–129–036	Formal Hearings
WAC 172–129–037	Statements and Testimony Confidential
WAC 172–129–040	Divergent Procedures Established Regarding Grievances and Appeals
WAC 172–129–050	Use of Normal Administrative Processes Encouraged
WAC 172–129–060	Faculty Appeals Committee: Purpose and Composition
WAC 172–129–070	Functions of the Faculty Appeals Committee
WAC 172–129–080	Conflict of Interest
WAC 172–129–090	General Procedures for Appeals and Grievances
WAC 172–129–100	Grievance Procedures
WAC 172–129–110	Appeals: Division into Categories
WAC 172–129–120	Burden of Proof in Appeals
WAC 172–129–130	Hearing Procedure for Appeals
WAC 172–129–140	Procedure for Appointment of Hearing Examiner
WAC 172–129–145	Scope of Authority Conferred upon Hearing Examiner
WAC 172–129–150	Costs of Appeals and Grievances
WAC 172–129–160	Content of Grievance and Appeal Forms

WAC 172–129–010 Purpose. The purpose of the following appeal and grievance policy shall be to promote the interest of the College in its primary endeavors of teaching/learning with related and supporting activities of research, scholarship, and service, and to assure fair process for individual faculty members. These procedures are established to provide a means for the resolution of personnel and professional problems at the College in a manner that will best reconcile the interests of the College and individual faculty members through the use of formalized processes utilizing both professional peer judgment and administrative input.

WAC 172–129–020 Jurisdiction. The jurisdiction of this chapter shall be limited to matters concerning faculty members, as that term is defined in By-Law 400.11.00 of Eastern Washington State College.

WAC 172–129–030 Definitions.

1. "Appellant" shall refer to the faculty member who challenges a decision affecting his retention or tenure appointment and utilizes the procedures provided for appeals in this WAC chapter.

2. "Appointing authority" shall for the purposes of this chapter only refer to those members of the College community who appoint members of the Faculty Appeals Committee created in WAC 172–129–060 of this chapter; specifically, the Chairperson of Academic Senate, the Vice President for Academic Affairs, and the President of the College respectively.

3. "College" shall mean Eastern Washington State College, an institution of higher education administered by the Board of Trustees pursuant to RCW 28B.40.120, and all the constituent elements administered by the Board thereunder. All communications to the College shall be addressed to the President of the College.

4. "Costs" shall refer to the expenses sustained during a formal hearing, as that term is defined in WAC 172–129–036 and in RCW 28B.19.110 and RCW 28B.19.120, for stenographic services, transcription of any stenographic notes taken during the course of formal hearings, costs of service of any legal documents sustained as a result of any formal hearing, payment of any witness fees, which fees shall be the statutory witness fees provided for in RCW 2.40.10 as now law or hereinafter amended, and the costs of reproducing documents that may be copied for use in informal and formal hearings, pursuant to these rules. The term, "costs", shall not include fees for retention of any attorney or professional representative utilized by an appellant, grievant, or the College in the course of grievances or appeals provided for in this chapter.

5. "Days", when used in this chapter, shall mean, except where otherwise indicated, administrative working college days.

6. "Dismissal" shall mean termination of a faculty member's employment at the College for adequate cause as that term is defined in By-Law 401.43.40 of the College By-Laws.

7. "Grievant" is a faculty member who has a grievance as that term is defined in WAC 172–129–040 (2) and exercises the procedures provided in WAC 172–129–090 et sequence.

8. "He" when used in reference to a singular person, shall refer both to the masculine and feminine gender.

9. "Professional organization representative" means any individual designated by the organization of the individual faculty member's choice.

10. "Termination" refers to a discontinuation of employment of a faculty member at Eastern Washington State College because of fiscal exigency or program adjustment pursuant to By-Law 401.43.20 through 401.43.30 of the Eastern Washington State College By-Laws, or non-renewal of a probationer faculty member's contract pursuant to By-Law 401.43.10 of the Eastern Washington State College By-Laws.

WAC 172–129–031 References to By-Laws. References to College By-Laws are accomplished in this chapter merely for the purposes of identifying the location of the appropriate By-Law as such is phrased at the time sections in this chapter are adopted; provided, however, that By-Laws referenced in sections of this chapter may be subject to subsequent amendment or supplement and upon such occurrence or occurrences shall be deemed properly referenced by sections within this WAC chapter.

WAC 172–129–035 Informal Hearings.

1. For the purposes of these rules, "informal hearings" shall refer to proceedings that shall be accomplished in an informal manner, pursuant to procedures determined by the administrator or the committee conducting the hearing, who shall determine as to a grievant whether there is a proper grievance as that term is defined in WAC 172–129–040 and whether as to an appellant, the burden of proof provided in WAC 172–129–120 has been met by the party assigned such burden of proof by WAC 172–129–120.

2. Informal hearings shall be conducted in a manner that accords with the general procedure provided for in WAC 172–129–090 and shall ascertain whether the grievant has a proper grievance, pursuant to WAC 172–129–040 (2), or whether an appellant has met the burden of proof assigned to him by WAC 172–129–120 by giving probative effect to evidence that possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs.

WAC 172–129–036 Formal Hearings.

1. For purposes of these rules, except for the hearing conducted by the hearing examiner at Level IV of the appeal procedures pursuant to WAC 172–129–30 (2) (d), which hearing is a formal hearing for the purposes of the Higher Education Administrative Procedures Act, RCW 28B.19, "formal hearings" shall be of the type provided for in this chapter and shall be deemed informal hearings for the purposes of RCW 28B.19.

2. Formal hearings conducted for the purposes of grievances and appeals brought under this chapter, except for Level IV of the appeal procedure, shall be conducted in the form of an administrative hearing that shall determine as to a grievant, whether a grievance properly exists as that term is defined in WAC 172–129–040; or as to an appellant, whether burden of proof provided for in WAC 172–129–120 has been met by the party assigned such burden of proof by WAC 172–129–120.

3. A formal hearing shall be accomplished in a manner consistent with the procedures provided for in WAC 172–129–090 and shall:

a. Be presided over by a chairperson designated by the committee or appropriate unit or administrator who is hearing the particular formal hearing pursuant to the procedures provided for in this chapter. Such chairperson shall make all rulings in the conduct of the formal hearing and he shall admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs; however, he shall give effect to rules of privilege recognized by law and may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

b. Include testimony from all interested persons, including but not limited to faculty members and students.

c. Allow the faculty member whose case is being appealed or heard as a grievance and the persons representing the college at such appeal or grievance level to cross examine and defend themselves.

d. Be recorded by tape recorder or other such appropriate device; provided, that the parties may agree to a formal record or transcript, pursuant to WAC 172–129–090 (c) of this chapter.

WAC 172–129–037 Statements and Testimony Confidential. Statements, testimony, and all other evidence given at an informal hearing authorized pursuant to this chapter, shall be confidential and shall not be subject to discovery or released to anyone, including the person or committee conducting any other hearing authorized by this chapter or any of the parties involved, or used for impeachment purposes, without permission of the person who divulged the information.

WAC 172–129–040 Divergent Procedures Established Regarding Grievances and Appeals. It is a purpose of this chapter to establish two different methods for accomplishing the fair process the College wishes to create for faculty members in their relationships with the College. Accordingly, separate provisions in this chapter are made for appeal of decisions affecting the issues of whether faculty members' employment will continue at the College, as opposed to issues concerning the application of any By-Law or rule of the College. For the purpose of this chapter, therefore:

1. "Appeals," and the right to utilize the procedures in this chapter regarding appeals, are expressly limited only to cases contesting the application of a College By-Law that results in a decision that terminates employment of an individual as a faculty member at the College.

2. "Grievances," and the right to utilize the procedures promulgated in this chapter regarding grievances, are expressly limited only to cases involving a complaint by a faculty member or faculty members that:

a. There has been as to him or them a misinterpretation, improper, or unfair application, breach, or violation of the academic and administrative policies and procedures of Eastern Washington State College as approved by the Board of Trustees, or

b. He has been treated unfairly; except that the term "grievance" shall not apply to any matter over which the Board of Trustees is without authority or power to act.

WAC 172–129–050 Use of Normal Administrative Processes Encouraged. Normal administrative processes and consultation should be reasonably sought and used by a faculty member who feels aggrieved before he files a formal appeal or grievance.

WAC 172–129–060 Faculty Appeals Committee: Purpose and Composition.

1. In order to provide for professional peer judgment, careful consideration of institutional concerns, and to assure fair process for individual faculty members, an all-college committee which shall be known as the "Faculty Appeals Committee" is hereby established.

2. The Faculty Appeals Committee shall be composed of fifteen (15) members: nine (9) selected by the Chairperson of the Academic Senate, three (3) selected by the Vice President for Academic Affairs, and three (3) appointed by the President of the College; provided however, that none of the appointees shall be deemed to represent the interests of the appointing authority that designates each of them, and each such appointing authority shall make its best efforts to keep confidential its identity from the person whom it appoints. The initial appointees of each appointing authority shall serve for terms of twelve (12), twenty-four (24), and thirty-six (36) consecutive calendar months commencing on September 1 and terminating August 31. The determination of which appointee shall hold a twelve-month term, the twenty-four month term, or thirty-six month term shall be made by the appointing authority of the appointee. All successors to initial appointees shall serve a term of thirty-six (36) consecutive calendar months commencing on September 1 of the first month of the first year and terminating on August 31 of the thirty-sixth month of the third year.

3. No alternates or substitutes shall be allowed for any appointee to the Faculty Appeals Committee. Upon the resignation or death of any member of the Faculty Appeals Committee, a reappointment for the remainder of that person's term shall be made by the appointing authority that selected the resigned or dead member of the Faculty Appeals Committee.

4. The Faculty Appeals Committee, meeting in a body, shall by no later than September 25 of each year select a chairperson, vice chairperson, and secretary who shall constitute the Executive Committee of the Faculty Appeals Committee, and shall serve a term of twelve (12) consecutive calendar months.

WAC 172–129–070 Functions of the Faculty Appeals Committee.

1. The Faculty Appeals Committee shall have the primary responsibility on behalf of the College to make findings and recommendations for the resolution of grievances and appeals not resolved at Level I. Its recommendation shall be made to the President of the College for administrative action. Its conclusion shall be reported to the Academic Senate for information, but shall not be subject to action by the Academic Senate.

2. The Faculty Appeals Committee will serve in various ways to achieve resolution of faculty complaints, grievances, and appeals:

a. *Informal investigation* of complaints, conducted by its executive committee, seeking resolution through consultation and findings.

b. *Formal grievance procedure* hearing (Level II) conducted by a panel of three (3) to five (5) members selected by Committee's executive committee.

c. *Formal appeals procedure* hearing conducted by a panel of five (5) members selected by the Committee's executive committee, except that in cases of dismissal for adequate cause the hearing shall be conducted by no less than a quorum of the full committee.

d. *Fact finding investigation* of personnel matters of unit or divisional significance upon request of the President of the College, conducted by a panel of five (5) as determined by the Committee's executive committee.

WAC 172–129–080 Conflict of Interest. A member of the Committee who has a possible conflict of interest in any grievance or appeal case by virtue of his departmental, institutional, or personal relationships, or having served on a fact finding investigation of personnel matters related to the grievance or appeal at issue will be excused from service for that case; the appellant or grievant may request the executive committee to rule upon the possibility of such conflict of interest on the part of a panel or committee member.

WAC 172–129–090 General Procedures for Appeals and Grievances. If a complainant is not satisfied with the outcome of normal administrative review or informal private discussion(s), he may begin formal procedures by using the Grievance Review Request form(s).

a. The initial form must be filed by the appellant or grievant within thirty (30) days after the occurrence or action being contested. However, consideration will be given by the Faculty Appeals Committee to extenuating circumstances beyond the faculty member's control which may have delayed the filing beyond this time limit.

b. In each of the steps of the formal procedure, the two parties shall decide whether the hearing shall be open or closed, and if agreement cannot be reached, the hearing shall be closed.

c. If the parties agree that a formal record or transcript of the proceedings shall be furnished, the cost shall be borne equally by the parties, except that the College shall bear full costs in cases of dismissal for adequate cause within the appellent's or grievant's contract period.

d. Either party may be accompanied by others in the formal hearings, including a representative of a faculty member's professional organization, who might contribute to the acceptable adjustment of the grievance and act as counsel for either party; provided that if the appellant or grievant chooses to be represented by an attorney, he must provide the College five (5) days' written notice thereof.

e. Except for simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case will be avoided as far as possible by all parties until the proceedings have been completed.

f. All individuals involved, and all others who might possibly contribute to the acceptable adjustment of an appeal or grievance, are urged to testify, with full assurance that no reprisal will follow by reason of such participation.

g. All documents, communications, and records dealing with the processing of an appeal or grievance shall be filed separately from the individual's personnel file in a sealed envelope which will not be opened except for use as legal evidence, and then only upon prior written notice to the person. A summary of the final adjustment of the case and reference to the entire grievance or appeal file shall be placed in the individual's personnel file.

WAC 172–129–100 Grievance Procedures.

1. The resolution of grievances shall be accomplished as rapidly as possible. The grievant(s) shall first take up the problem or complaint directly with the person or committee responsible for the challenged action or decision. At this stage, discussion(s) shall be held in private; every effort shall be made to resolve the problem or deal with the complaint in a regular or informal manner.

2. Informal Hearings: If the grievance is not adjusted to the satisfaction of the grievant at the regular or informal level within thirty (30) days of the contested action or decision, he may refer his grievance to his immediate administrator, the appropriate unit committee, or the administrator above the unit level who is directly responsible for the contested action or decision. The grievant shall commence the informal hearing at Level I by submitting to the appropriate unit, committee, or administrator a completed grievance review request form.

a. Level I. The appropriate administrator or committee shall conduct an informal hearing within ten (10) days after receipt of Grievance Request Form I. A written decision regarding the contested action or decision shall then be delivered to the grievant by the appropriate administrator or committee within five (5) days after the conclusion of the informal hearing; such written decision shall contain the findings and recommendations made by the appropriate unit or administrator.

b. Level II. If the grievance is not adjusted to the satisfaction of the grievant at Level I, he may within ten (10) days from receipt of the written findings and recommendations of the appropriate unit or administrator at Level I, refer his grievance to the chairman of the Faculty Appeals Committee by submitting to the chairperson a completed Grievance Review Request Form II. A panel of three (3) to five (5) members of the Faculty Appeals Committee shall then conduct a formal hearing within ten (10) days of the receipt of the form. A written decision shall be delivered to the grievant by the committee and to the President within five (5) days after conclusion of the formal hearing; such decision shall contain the committee's findings and recommendations.

c. Level III. If the grievance is not adjusted to the satisfaction of the grievant at Level II, he may within ten (10) days after receipt of the Faculty Appeals Committee's findings and recommendations, refer his grievance to the President of the College by submitting to him a completed Grievance Review Request Form III. The President or his designee shall then conduct a formal hearing within ten (10) days of receipt of the form. A written decision of the President or his designee's decision shall then be delivered to the grievant within five (5) days; such decisions shall contain the President's findings and actions and shall be deemed a final adjudication of the grievance for the purposes of these rules.

WAC 172–129–110 Appeals: Division into Categories. Decisions affecting continuation of employment as a faculty member shall be divided into two distinct categories:

1. Appeals of decisions not to renew a probationary appointment or not to grant tenure to one who is at the same time terminated as a faculty member; and

2. Dismissal of a tenured faculty member for adequate cause or termination of one not holding tenured appointment before the expiration of his contract year.

WAC 172–129–120 Burden of Proof in Appeals.

1. A faculty member who appeals under category (1) of WAC 172–129–110 shall have the burden of proving by a preponderance of evidence that such nonrenewal was arbitrarily or capriciously made without due regard for the nonrenewed faculty member's ability to teach and/or contribute to the College.

2. In the case of dismissal of a faculty member, as defined in WAC 172–129–110 (2), the College shall bear the burden of proving, by a preponderance of the evidence, that such dismissal was made for adequate cause, as defined in By-Laws 401.43.40.

WAC 172–129–130 Hearing Procedure for Appeals.

1. The faculty member challenging a decision affecting his retention or tenure appointment shall first discuss the matter directly with his department chairperson, and if he chooses, with the unit personnel committee chairperson. At this stage, discussion(s) should be held in private, but the participants should keep informal notes of any points of agreement or disagreement as to facts and conditions discussed.

2. Formal Hearings:

a. Level I. If the faculty member is not satisfied with the discussions at the department or unit level, he may within thirty (30) days of the date of the written notice from the College respecting his retention or tenure present an Appeal Request Form I to his college, school, or division dean. The dean shall within ten (10) days of the receipt of the appeal hold a formal hearing. A written summary of the dean's conclusions from the hearing(s) shall be delivered to the appellant within five (5) days after the

formal hearing(s) close.

b. Level II. If the faculty member is not satisfied with the conclusion of Level I, he may within ten (10) days of the receipt of those conclusions, refer his appeal to the chairperson of the Faculty Appeals Committee on an Appeal Request Form II. A panel of five (5) members of the committee shall conduct a hearing within ten (10) days of receipt of the appeal; except that in the case of a dismissal for adequate cause, a quorum of the Faculty Appeals Committee shall conduct such hearing. A written report shall be delivered to the appellant and to the President within five (5) days, stating the committee's findings and its recommendations. Administrative action upon the committee's findings and recommendations shall be made known within ten (10) days from the date of the committee's report.

c. Level III. If the appellant is not satisfied with the Faculty Appeals Committee recommendation or with the pursuant administrative action, he may within ten (10) days after receipt of notice in either case, refer his appeal to the President, using Appeal Request Form III. If the President or his delegate in reviewing the recommendation and/or the review request by the appellant finds that additional evidence needs to be considered, he will, within ten (10) days after receiving the Faculty Appeals Committee's recommendation, return the recommendation with his stated reasons to the committee, notifying the appellant of this action. If the President accepts the final recommendation of the committee, it will be transmitted to the Board of Trustees within ten (10) days after he receives such recommendation, and the decision of the Board of Trustees shall be final.

d. Level IV. If the final recommendation of the Committee is not acceptable to the President or to the faculty member who filed the appeal, an appeal stating the same shall be transmitted within ten (10) days after the President makes his final recommendation directly to the Board of Trustees, with either the President's or the appealing faculty member's stated reasons for differing with the recommendation of the Faculty Appeals Committee. The Board of Trustees shall then appoint a hearing examiner pursuant to the procedures provided in WAC 172–129–140, who shall then conduct a formal hearing for a contested case pursuant to the rules of procedure provided for in RCW 28B.19.110 and RCW 28B.19.120. The hearing examiner shall, at the conclusion of the hearing, prepare his recommended findings of fact and conclusions of law which shall be presented to and considered by the Board of Trustees. The Board's decision shall be final.

WAC 172–129–140 Procedure for Appointment of Hearing Examiner.

1. Upon receipt by the President of the College or the secretary of the Board of Trustees, or Chairperson of the Board of Trustees, of a request by an appealing faculty member for an appeal of the decision made at Level III, WAC 172–129–130 (c), the Board shall present written notification of receipt of a Request for an Appeal at Level IV of the Faculty Appeals procedures to the Chairperson of the College's Academic Senate.

2. Within ten (10) days after receipt of the Board of Trustees' notification of the receipt of a Request for Appeal to Level IV of these appeals procedures, the Chairperson of the Academic Senate shall provide a list of three (3) names from which the Board of Trustees may select one (1) for the purpose of being a hearing examiner pursuant to WAC 172–129–145 of this chapter. Such list shall also contain a brief statement describing the background of the three nominees recommended to the Board of Trustees by the Chairperson of the Academic Senate, and all such nominees shall be subject to the following standards:

a. They must be residents of the State of Washington.

b. They must be considered unbiased and not related by affiliation of blood to any of the parties involved.

c. They must agree to provide contract services as a hearing examiner in accordance with the fee schedule that may be promulgated from time to time by the Board of Trustees.

3. If the Board of Trustees does not find any of the three nominees suggested to the Board by the Chairperson of the Academic Senate acceptable, the Board shall, within a reasonable time, so notify such Chairperson, who must then, within five (5) days after receipt of notice of rejection of the hearing examiner candidates, provide a list of three (3) more nominees who shall also be submitted in accordance with the standards provided for in this section. A final designation by the Board of Trustees for hearing examiner who shall hear the appeals at Level IV shall occur within a reasonable time after it first receives notification of an appeal to Level IV.

WAC 172–129–145 Scope of Authority Conferred upon Hearing Examiner. The hearing examiner appointed by the Board of Trustees at Level IV, pursuant to WAC 172–129–130, shall not only prepare the findings of fact and conclusions of law that shall be submitted to the Board, but such hearing examiner's findings as to credibility shall be deemed final and his findings of fact shall not be overturned by the Board unless such proposed findings of fact are not supported by substantial evidence.

WAC 172–129–150 Costs of Appeals and Grievances. Except for those cases in which the parties agree to make a formal record or transcript and share the costs thereof, pursuant to WAC 172–129–090 (c), all costs of appeal or grievance shall be borne by the College; provided, however, that if an appellant loses at all levels of appeal, the cost of the Level IV hearing shall be borne equally between the faculty member and the College.

WAC 172–129–160 Content of Grievance and Appeal Forms. The content and form of the various grievance and appeal forms referred to in this chapter shall be promulgated from time to time by the President of the College.